Gc
942.7201
C42r
v.86
1390800

GENEALOGY COLLECTION

ALLEN COUNTY PUBLIC LIBRARY
3 1833 00728 9363

Digitized by the Internet Archive
in 2014

https://archive.org/details/chethammiscellan86chet

Chetham Society,

ESTABLISHED M.DCCC.XLIII.

FOR THE PUBLICATION OF

HISTORICAL AND LITERARY REMAINS

CONNECTED WITH THE PALATINE COUNTIES OF

LANCASTER AND CHESTER.

Council for the year 1871-72.

President.

JAMES CROSSLEY, Esq., F.S.A.

Vice-President.

The Rev. F. R. RAINES, M.A., F.S.A., Hon. Canon of Manchester, Vicar of Milnrow, and Rural Dean.

Council.

WILLIAM BEAMONT, Esq.
The Very Rev. GEORGE HULL BOWERS, D.D., Dean of Manchester.
RICHARD COPLEY CHRISTIE, Esq., M.A., Chancellor of the Diocese of Manchester.
The Rev. THOMAS CORSER, M.A., F.S.A., Rector of Stand.
WILLIAM ADAM HULTON, Esq.
THOMAS JONES, Esq., B.A., F.S.A.
WILLIAM LANGTON, Esq.
COLONEL EGERTON LEIGH.
The Rev. JOHN HOWARD MARSDEN, B.D., F.R.G.S., Canon of Manchester.
The Rev. JAMES RAINE, M.A., Canon of York, Fellow of Durham University.

Treasurer.

ARTHUR H. HEYWOOD, Esq.

Honorary Secretary.

R. HENRY WOOD, Esq., F.S.A., F.R.G.S.,
Mem. Corr. Soc. Antiq. de Normandie.

RULES OF THE CHETHAM SOCIETY.

1. That the Society shall be limited to three hundred and fifty members.
2. That the Society shall consist of members being subscribers of one pound annually, such subscription to be paid in advance, on or before the day of general meeting in each year. The first general meeting to be held on the 23rd day of March, 1843, and the general meeting in each year afterwards on the 1st day of March, unless it should fall on a Sunday, when some other day is to be named by the Council.
3. That the affairs of the Society be conducted by a Council, consisting of a permanent President and Vice-President, and twelve other members, including a Treasurer and Secretary, all of whom shall be elected, the first two at the general meeting next after a vacancy shall occur, and the twelve other members at the general meeting annually.
4. That any member may compound for his future subscriptions by the payment of ten pounds.
5. That the accounts of the receipts and expenditure of the Society be audited annually, by three auditors, to be elected at the general meeting; and that any member who shall be one year in arrear of his subscription, shall no longer be considered as belonging to the Society.
6. That every member not in arrear of his annual subscription, be entitled to a copy of each of the works published by the Society.
7. That twenty copies of each work shall be allowed to the editor of the same, in addition to the one to which he may be entitled as a member.

Applications and communications to be addressed to the President, 2 *Cavendish Place, All Saints, Manchester, or to the* Honorary Secretary, *Crumpsall, near Manchester.*

PUBLICATIONS OF THE CHETHAM SOCIETY.

First year (1843–4).

VOL.

I. Travels in Holland, the United Provinces, England, Scotland, and Ireland, 1634-1635. By Sir William Brereton, Bart. Edited by EDWARD HAWKINS, Esq., F.R.S., F.S.A., F.L.S. *pp.* viii, 206.

II. Tracts relating to Military Proceedings in Lancashire during the Great Civil War. Edited and Illustrated from Contemporary Documents by GEORGE ORMEROD, D.C.L., F.R.S., F.S.A., F.G.S., author of "The History of Cheshire." *pp.* xxxii, 372.

III. Chester's Triumph in Honor of her Prince, as it was performed upon St. George's Day 1610, in the foresaid Citie. Reprinted from the original edition of 1610, with an Introduction and Notes. Edited by the Rev. THOMAS CORSER, M.A. *pp.* xviii, 36.

Second year (1844–5).

IV. The Life of Adam Martindale, written by himself, and now first printed from the original manuscript in the British Museum. Edited by the Rev. RICHARD PARKINSON, B.D., Canon of Manchester. *pp.* xvi, 246.

V. Lancashire Memorials of the Rebellion, 1715. By SAMUEL HIBBERT-WARE, M.D., F.R.S.E., &c. *pp.* x, 56, *and* xxviii, 292.

VI. Potts's Discovery of Witches in the county of Lancaster. Reprinted from the original edition of 1613; with an Introduction and Notes by JAMES CROSSLEY, Esq. *pp.* lxxx, 184, 52.

Third year (1845–6).

VII. Iter Lancastrense, a Poem written A.D. 1636, by the Rev. Richard James. Edited by the Rev. THOMAS CORSER, M.A. *pp.* cxii, 86. *Folding Pedigree.*

VIII. Notitia Cestriensis, or Historical Notices of the Diocese of Chester, by Bishop Gastrell. *Cheshire.* Edited by the Rev. F. R. RAINES, M.A., F.S.A. Vol. I. *pp.* xvi, 396. *Plate.*

IX. The Norris Papers. Edited by THOMAS HEYWOOD, Esq., F.S.A. *pp.* xxxiv, 190.

Fourth year (1846–7).

X. The Coucher Book or Chartulary of Whalley Abbey. Edited by W. A. HULTON, Esq. Vol. I. *pp.* xl, 338. *Plate.*

XI. The Coucher Book or Chartulary of Whalley Abbey. Vol. II. *pp.* 339–636.

XII. The Moore Rental. Edited by THOMAS HEYWOOD, Esq., F.S.A. *pp.* lxx, 158.

Fifth year (1847–8).

XIII. The Diary and Correspondence of Dr. John Worthington. Edited by JAS. CROSSLEY, Esq. Vol. I. *pp.* viii, 398.

XIV. The Journal of Nicholas Assheton. Edited by the Rev. F. R. RAINES M.A., F.S.A. *pp.* xxx, 164.

XV. The Holy Lyfe and History of Saynt Werburge, very frutefull for all Christen People to rede. Edited by EDWARD HAWKINS, Esq. *pp.* xxviii, 10, 242.

Sixth year (1848–9).

VOL.

XVI. The Coucher Book or Chartulary of Whalley Abbey. Vol. III. *pp.* xli–liv, 637–936.

XVII. Warrington in 1465. Edited by WILLIAM BEAMONT, Esq. *pp.* lxxviii, 152.

XVIII. The Diary of the Rev. Henry Newcome, from September 30, 1661, to September 29, 1663. Edited by THOMAS HEYWOOD, Esq., F.S.A. *pp.* xl, 242.

Seventh year (1849–50).

XIX. Notitia Cestriensis. Vol. II. Part I. *Lancashire, Part I.* *pp.* iv, 160, xxviii.

XX. The Coucher Book or Chartulary of Whalley Abbey. Vol. IV. *(Conclusion).* *pp.* lv–lxiii, 937–1314.

XXI. Notitia Cestriensis. Vol. II. Part II. *Lancashire, Part II.* *pp.* lxxvii, 161–352. *Plate.*

Eighth year (1850–1).

XXII. Notitia Cestriensis. Vol. II. Part III. *Lancashire, Part III. (Conclusion).* *pp.* 353–621.

XXIII. A Golden Mirrour; conteininge certaine pithie and figurative visions prognosticating good fortune to England, &c. By Richard Robinson of Alton. Reprinted from the only known copy of the original edition of 1589 in the British Museum, with an Introduction and Notes by the Rev. THOMAS CORSER, M.A., F.S.A. *pp.* xxii, 10, 96.

XXIV. Chetham Miscellanies. Vol. I. Edited by WILLIAM LANGTON, Esq.: containing

Papers connected with the affairs of Milton and his Family. Edited by J. F. MARSH, Esq. *pp* 46. *Plate.*

Epistolary Reliques of Lancashire and Cheshire Antiquaries, 1653–73. Communicated by GEORGE ORMEROD, D.C.L., F.R.S., F.S.A., and F.G.S. *pp.* 16.

Calendars of the Names of Families which entered their several Pedigrees in the successive Heraldic Visitations of the County Palatine of Lancaster. Communicated by GEORGE ORMEROD, D.C.L., F.R.S., F.S.A., and F.G.S. *pp.* 26.

A Fragment, illustrative of Sir Wm. Dugdale's Visitation of Lancashire. From MSS. in the possession of the Rev. F. R. RAINES, M.A., F.S.A. *pp.* 8.

Autobiographical Tracts of Dr. John Dee, Warden of the College of Manchester. Edited by JAMES CROSSLEY, Esq. *pp.* iv, 84.

Visitation temp. Hen. VIII. The Abbaye of Whawley (for insertion in Whalley Coucher Book).

Ninth year (1851–2).

XXV. Cardinal Allen's Defence of Sir William Stanley's Surrender of Deventer. Edited by THOMAS HEYWOOD, Esq., F.S.A. *pp.* c, 38.

XXVI. The Autobiography of Henry Newcome, M.A. Edited by RD. PARKINSON, D.D., F.S.A. Vol. I. *pp.* xxv, 184.

XXVII. The Autobiography of Henry Newcome, M.A. Vol. II. *(Conclusion).* *pp.* 185–390

Tenth year (1852–3).

XXVIII. The Jacobite Trials at Manchester in 1694. Edited by WILLIAM BEAMONT, Esq. *pp.* xc, 132.

XXIX. The Stanley Papers, Part I. The Earls of Derby and the Verse Writers and Poets of the sixteenth and seventeenth centuries. By THOMAS HEYWOOD, Esq., F.S.A. *pp.* 64.

XXX. Documents relating to the Priory of Penwortham, and other Possessions in Lancashire of the Abbey of Evesham. Edited by W. A HULTON, Esq. *pp.* lxxviii, 136.

Eleventh year (1853–4).

VOL.

XXXI. The Stanley Papers, Part II. The Derby Household Books, comprising an account of the Household Regulations and Expenses of Edward and Henry, third and fourth Earls of Derby; together with a Diary, containing the names of the guests who visited the latter Earl at his houses in Lancashire: by William Farrington, Esq., the Comptroller. Edited by the Rev. F. R. RAINES, M.A., F.S.A. *pp.* xcviii, 247. *Five Plates.*

XXXII. The Private Journal and Literary Remains of John Byrom. Edited by RICHARD PARKINSON, D.D., F.S.A. Vol. I. Part I. *pp.* x, 320. *Portrait.*

XXXIII. Lancashire and Cheshire Wills and Inventories from the Ecclesiastical Court, Chester. The First Portion. Edited by the Rev. G. J. PICCOPE, M.A. *pp.* vi, 196.

Twelfth year (1854–5).

XXXIV. The Private Journal and Literary Remains of John Byrom. Vol. I. Part II. *pp.* 321–639.

XXXV. The House and Farm Accounts of the Shuttleworths of Gawthorpe Hall. Edited by JOHN HARLAND, Esq., F.S.A. Part I. *pp.* 232. *Frontispiece.*

XXXVI. The Diary and Correspondence of Dr. John Worthington. Vol. II. Part I. *pp.* 248.

Thirteenth year (1855–6).

XXXVII. Chetham Miscellanies. Vol. II. Edited by WILLIAM LANGTON, Esq.: containing
The Rights and Jurisdiction of the County Palatine of Chester, the Earls Palatine, the Chamberlain, and other Officers. Edited by JOSEPH BROOKS YATES, F.A.S., G.S., and P.S. *pp.* 37.
The Scottish Field. (A Poem on the Battle of Flodden.) Edited by JOHN ROBSON, Esq. *pp.* xv, 28.
Examynatyons towcheynge Cokeye More, Temp. Hen. VIII. in a dispute between the Lords of the Manors of Middleton and Radclyffe. Communicated by the Rev. F. R. RAINES, M.A., F.S.A. *pp.* 30.
A History of the Ancient Chapel of Denton, in Manchester Parish. By the Rev. JOHN BOOKER, M.A., F.S.A. *pp.* viii, 148. *Three Plates.*
A Letter from John Bradshawe of Gray's Inn to Sir Peter Legh of Lyme. Edited by WILLIAM LANGTON, Esq. *pp.* 8.
Facsimile of a Deed of Richard Bussel to Church of Evesham (for insertion in vol. XXX*).*

XXXVIII. Bibliographical Notices of the Church Libraries of Turton and Gorton bequeathed by Humphrey Chetham. Edited by GILBERT J. FRENCH, Esq. *pp.* 199. *Illustrated Title.*

XXXIX. The Farington Papers. Edited by Miss FFARINGTON. *pp.* xvi, 179. *Five plates of Signatures.*

Fourteenth year (1856–7).

XL. The Private Journal and Literary Remains of John Byrom. Vol. II. Part I. *pp.* 326 *and two Indexes.*

XLI. The House and Farm Accounts of the Shuttleworths of Gawthorpe Hall. Part II. *pp.* 233–472. *Portrait.*

XLII. A History of the Ancient Chapels of Didsbury and Chorlton, in Manchester Parish, including Sketches of the Townships of Didsbury, Withington, Burnage, Heaton Norris, Reddish, Levenshulme, and Chorlton-cum-Hardy: together with Notices of the more Ancient Local Families, and Particulars relating to the Descent of their Estates. By the Rev. JOHN BOOKER, M.A., F.S.A. *pp.* viii, 337; *Seven Illustrations.*

Fifteenth year (1857–8).

VOL.

XLIII. The House and Farm Accounts of the Shuttleworths of Gawthorpe Hall. Part III. *pp.* x, 473–776.

XLIV. The Private Journal and Literary Remains of John Byrom. Vol. II. Part II. *pp.* 327–654. *Byrom Pedigrees, pp.* 41 *and three folding sheets; Index, pp.* v.

XLV. Miscellanies: being a selection from the Poems and Correspondence of the Rev. Thos. Wilson, B.D., of Clitheroe. With Memoirs of his Life. By the Rev. CANON RAINES, M.A., F.S.A. *pp.* xc, 230. *Two Plates.*

Sixteenth year (1858–9).

XLVI. The House and Farm Accounts of the Shuttleworths of Gawthorpe Hall. Part IV. *(Conclusion). pp.* 777–1171.

XLVII. A History of the Ancient Chapel of Birch, in Manchester Parish, including a Sketch of the Township of Rusholme: together with Notices of the more Ancient Local Families, and Particulars relating to the Descent of their Estates. By the Rev. JOHN BOOKER, M.A., F.S.A. *pp.* viii, 255. *Four Plates.*

XLVIII. A Catalogue of the Collection of Tracts for and against Popery (published in or about the reign of James II.) in the Manchester Library founded by Humphrey Chetham; in which is incorporated, with large Additions and Bibliographical Notes, the whole of Peck's List of the Tracts in that Controversy, with his References. Edited by THOMAS JONES, Esq. B.A. Part I. *pp.* xii, 256.

Seventeenth year (1859–60).

XLIX. The Lancashire Lieutenancy under the Tudors and Stuarts. The Civil and Military Government of the County, as illustrated by a series of Royal and other Letters; Orders of the Privy Council, the Lord Lieutenant, and other Authorities, &c., &c. Chiefly derived from the Shuttleworth MSS. at Gawthorpe Hall, Lancashire. Edited by JOHN HARLAND, Esq., F.S.A. Part I. *pp.* cxx, 96. *Seven Plates.*

L. The Lancashire Lieutenancy under the Tudors and Stuarts. Part II. *(Conclusion). pp.* 97–333.

LI. Lancashire and Cheshire Wills and Inventories from the Ecclesiastical Court, Chester. The Second Portion. *pp.* vi, 283.

Eighteenth year (1860–1).

LII. Collectanea Anglo-Poetica: or, A Bibliographical and Descriptive Catalogue of a portion of a Collection of Early English Poetry, with occasional Extracts and Remarks Biographical and Critical. By the Rev. THOMAS CORSER, M.A., F.S.A., Rural Dean; Rector of Stand, Lancashire; and Vicar of Norton, Northamptonshire. Part I. *pp.* xi, 208.

LIII. Mamecestre: being Chapters from the early recorded History of the Barony, the Lordship or Manor, the Vill Borough or Town, of Manchester. Edited by JOHN HARLAND, Esq., F.S.A. Vol. I. *pp.* 207. *Frontispiece.*

LIV. Lancashire and Cheshire Wills and Inventories from the Ecclesiastical Court, Chester. The Third Portion. *(Conclusion). pp.* v, 272.

Nineteenth year (1861–2).

VOL.

LV. Collectanea Anglo-Poetica. Part II. *pp.* vi, 209–456.

LVI. Mamecestre. Vol. II. *pp.* 209–431.

LVII. Chetham Miscellanies. Vol. III. Edited by WILLIAM LANGTON, Esq. : containing
On the South Lancashire Dialect, with Biographical Notices of John Collier, the author of *Tim Bobbin*. By THOS. HEYWOOD, Esq. *pp.* 84
Rentale de Cokersand : being the Bursar's Rent Roll of the Abbey of Cokersand, in the County Palatine of Lancaster, for the year 1501. Printed from the Original. Edited by the Rev. F. R. RAINES, M.A., F.S.A. *pp.* xviii, 46.
The Names of all the Gentlemen of the best callinge wthin the countye of Lancastre, whereof choyse ys to be made of a c'ten number to lend vnto her Ma^{tye} moneye vpon privie seals in Janvarye 1588. From a manuscript in the possession of the Rev. F. R. RAINES, M.A., F.S.A. *pp.* 9.
Some Instruction given by William Booth Esquire to his stewards John Carington and William Rowcrofte, upon the purchase of Warrington by Sir George Booth Baronet and William Booth his son, A.D. MDCXVIII. Communicated by WILLIAM BEAMONT, Esq. *pp.* 8.
Letter from Sir John Seton, Manchester y^{e} 25 M'ch, 1643. Edited by THOMAS HEYWOOD, Esq., F.S.A. *pp.* 15.
The Names of eight hundred inhabitants of Manchester who took the oath of allegiance to Charles II. in April, 1679. Communicated by JOHN HARLAND, F.S.A. *pp.* 8.
The Pole Booke of Manchester, May y^{e} 22^{d} 1690. Edited by WILLIAM LANGTON, Esq. *pp.* 43. *Map and folding Table.*

Twentieth year (1862–3).

LVIII. Mamecestre. Vol. III. *(Conclusion.) pp.* xl, 433–627.

LIX. A History of the Chantries within the County Palatine of Lancaster : being the Reports of the Royal Commissioners of Henry VIII., Edward VI., and Queen Mary. Edited by the Rev. F. R. RAINES, M.A., F.S.A. Vol. I. *pp.* xxxix, 168.

LX. A History of the Chantries within the County Palatine of Lancaster, &c. Vol. II. *(Conclusion). pp.* 169–323.

Twenty-first year (1863–4).

General Index to the Remains Historical and Literary published by the Chetham Society, vols. I–XXX. *pp.* viii, 168.

LXI. I. Abbott's Journal. II. An Account of the Tryalls &c. in Manchester in 1694. Edited by the Rt. Rev. ALEXANDER GOSS, D.D. *pp.* xix, 32; xxi, 42; 5.

LXII. Discourse of the Warr in Lancashire. Edited by WILLIAM BEAMONT, Esq. *pp.* xxxiv, 164 *Two Plates.*

Twenty-second year (1864–5).

LXIII. A Volume of Court Leet Records of the Manor of Manchester in the Sixteenth Century. Compiled and edited by JOHN HARLAND, F.S.A. *pp.* xix, 208. *Frontispiece.*

LXIV. A Catalogue of the Collection of Tracts for and against Popery. Part II. To which are added an Index to the Tracts in both editions of Gibson's Preservative, and a reprint of Dodd's Certamen, Utriusque Ecclesiæ. Edited by THOMAS JONES, Esq. B.A. *pp.* x, 269, 17.

LXV. Continuation of the Court Leet Records of the Manor of Manchester, A.D. 1586–1602. By JOHN HARLAND, Esq. *pp.* viii, 128.

Twenty-third year (1865–6).

VOL.

LXVI. The Stanley Papers. Part III. Private Devotions and Miscellanies of James seventh earl of Derby, K.G., with a Prefatory Memoir and Appendix of Documents. Edited by the Rev. Canon Raines, M.A., F.S.A. Vol. 1. *pp.* i-ccviii. *Four Plates.*

LXVII. The Stanley Papers. Part III. Vol. 2. *pp.* ccix-cccxcv. *Four Plates.*

LXVIII. Collectanea relating to Manchester and its Neighbourhood, at various periods. Compiled arranged and edited by John Harland, F.S.A. Vol. I. *pp.* viii, 258.

Twenty-fourth year (1866–7).

LXIX. The Admission Register of the Manchester School, with some Notices of the more distinguished Scholars. Edited by the Rev. Jeremiah Finch Smith, M.A., Rector of Aldridge, Staffordshire, and Rural Dean. Vol. I., from A.D. 1730 to A.D. 1775. *pp.* viii, 253.

LXX. The Stanley Papers. Part III. Vol. 3. *(Conclusion.) pp.* 112 and 65. *Frontispiece.*

LXXI. Collectanea Anglo-Poetica. Part III. *pp.* x, 282.

Twenty-fifth year (1867–8).

LXXII. Collectanea relating to Manchester and its Neighbourhood. Vol. II. *pp.* viii, 252.

LXXIII. The Admission Register of the Manchester School, with some Notices of the more distinguished Scholars. Edited by the Rev. Jeremiah Finch Smith, M.A., Rector of Aldridge, Staffordshire, and Rural Dean. Vol. II., from A.D. 1776 to A.D. 1807. *pp.* v, 302.

LXXIV. Three Lancashire Documents of the Fourteenth and Fifteenth Centuries, namely: I. The Great De Lacy Inquisition, Feb. 16, 1311. II. Survey of 1320–1346. III. Custom Roll and Rental of the Manor of Ashton-under-Lyne, 1421. Edited by John Harland, Esq., F.S.A. *pp.* xiii, 140.

Twenty-sixth year (1868-9).

LXXV. Lancashire Funeral Certificates. Edited by Thomas William King, Esq., F.S.A., York Herald. With additions by the Rev. F. R. Raines, M.A., F.S.A., Vice-President of the Chetham Society. *pp.* viii, 102.

LXXVI. Observations and Instructions divine and morall. In Verse. By Robert Heywood of Heywood, Lancashire. Edited by James Crossley, Esq., F.S.A. *pp.* xxiv, 108.

LXXVII. Collectanea Anglo-Poetica. Part IV. *pp.* vi, 260.

Twenty-seventh year (1869–70).

LXXVIII. Tracts written in the Controversy respecting the Legitimacy of Amicia, daughter of Hugh Cyveliok, earl of Chester. A.D. 1673–1679. By sir Peter Leycester, bart., and sir Thomas Mainwaring, bart. Reprinted from the Collection at Peover. Edited, with an Introduction, by William Beamont, Esq. Part I. *pp.* xcv, 94. *Portrait of sir Peter Leycester.*

LXXIX. Tracts written in the Controversy respecting the Legitimacy of Amicia. Part II. *pp.* 95–322. *Portrait of sir Thomas Mainwaring.*

LXXX. Tracts written in the Controversy respecting the Legitimacy of Amicia. Part III. *pp.* 323–550. *With frontispiece of Stall at Peover.*

Twenty-eighth year (1870-1).

VOL.

LXXXI. The Visitation of the County Palatine of Lancaster, made in the year 1567, by William Flower, Esq., Norroy king of arms. Edited by the Rev. F. R. RAINES, M.A., F.S.A., Vicar of Milnrow, and Hon. Canon of Manchester. *pp.* xvi, 141.

LXXXII. The Visitation of the County Palatine of Lancaster, made in the year 1613, by Richard St. George, Esq., Norroy king of arms. Edited by the Rev. F. R. RAINES, M.A., F.S.A., Vicar of Milnrow, Hon. Canon of Manchester, and Rural Dean. *pp.* xx, 142.

LXXXIII. Chetham Miscellanies, Vol. IV., containing:

Some Account of General Robert Venables, of Antrobus and Wincham, Cheshire; with an engraving from his Portrait at Wincham, together with the Autobiographical Memoranda or Diary of his Widow, Elizabeth Venables. From the original MS. in the possession of LEE P. TOWNSHEND, Esq. *pp.* iv, 28. *Pedigree* 1. *Portrait of General Robert Venables.*

A Forme of Confession grounded vpon the Ancient Catholique and Apostolique Faith. Made and composed by the honorable ladie The Lady Bridget Egerton. A.D. 1636. From the original MS. in the possession of SIR PHILIP DE MALPAS GREY EGERTON, Bart., M.P. *pp.* vi, 23. *Pedigrees* 2. *Plate.*

A Kalender conteyning the Names of all such Gent. and others as upon her Maty's Pryvye Seales have paid there Money to the handes of Sir Hugh Cholmondley Knyghte Collect^r^ of Her Hyghnes Loane with^in^ the Countie of Chester, together w^th^ the severall Somes and Daies of Receipt. A.D. 1597. From the original MS. in the possession of R. H. WOOD, Esq., F.S.A. *pp.* iv, 4.

History of Warrington Friary. Edited by WILLIAM BEAMONT, Esq. *pp.* vii, 76. *Index* 4. *Four Plates, being Effigies and Arms, Tombstones, and Fragments.*

Twenty-ninth year (1871-2).

LXXXIV. The Visitation of the County Palatine of Lancaster, made in the year 1664-5, by Sir William Dugdale, Knight, Norroy king of arms. Edited by the Rev. F. R. RAINES, M.A., F.S.A., Vicar of Milnrow, Hon. Canon of Manchester, and Rural Dean. Part I. *pp.* xiv, 104.

LXXXV. The Visitation of the County Palatine of Lancaster, made in the year 1664-5, by Sir William Dugdale, Knight. Part II. *pp.* 105-224.

LXXXVI. Annals of the Lords of Warrington for the first five centuries after the conquest. With historical notices of the place and neighbourhood. Edited by WILLIAM BEAMONT, Esq. Part I. *pp.* xxvi, 262. *Three Plates.*

Charles Simms and Co., Printers, Manchester.

REMAINS

HISTORICAL & LITERARY

CONNECTED WITH THE PALATINE COUNTIES OF

LANCASTER AND CHESTER.

PUBLISHED BY

THE CHETHAM SOCIETY.

VOL. LXXXVI.

PRINTED FOR THE CHETHAM SOCIETY.
M.DCCC.LXXII.

COUNCIL FOR 1871–72.

JAMES CROSSLEY, ESQ., F.S.A., PRESIDENT.

REV. F. R. RAINES, M.A., F.S.A., HON. CANON OF MANCHESTER, VICE-PRESIDENT.

WILLIAM BEAMONT, ESQ.

THE VERY REV. GEORGE HULL BOWERS, D.D., DEAN OF MANCHESTER.

RICHARD COPLEY CHRISTIE, ESQ., M.A., CHANCELLOR OF THE DIOCESE OF MANCHESTER.

REV. THOMAS CORSER, M.A., F.S.A.

W. A. HULTON, ESQ.

THOMAS JONES, ESQ., B.A., F.S.A.

WILLIAM LANGTON, ESQ.

COLONEL EGERTON LEIGH.

REV. JOHN HOWARD MARSDEN, B.D., F.R.G.S., CANON OF MANCHESTER.

REV. JAMES RAINE, M.A., CANON OF YORK.

ARTHUR H. HEYWOOD, ESQ., TREASURER.

R. HENRY WOOD, ESQ., F.S.A., HON. SECRETARY.

ANNALS

OF

THE LORDS

OF

WARRINGTON

FOR THE FIRST FIVE CENTURIES
AFTER THE CONQUEST.

WITH HISTORICAL NOTICES OF THE PLACE AND
NEIGHBOURHOOD.

BY

WILLIAM BEAMONT, Esq.

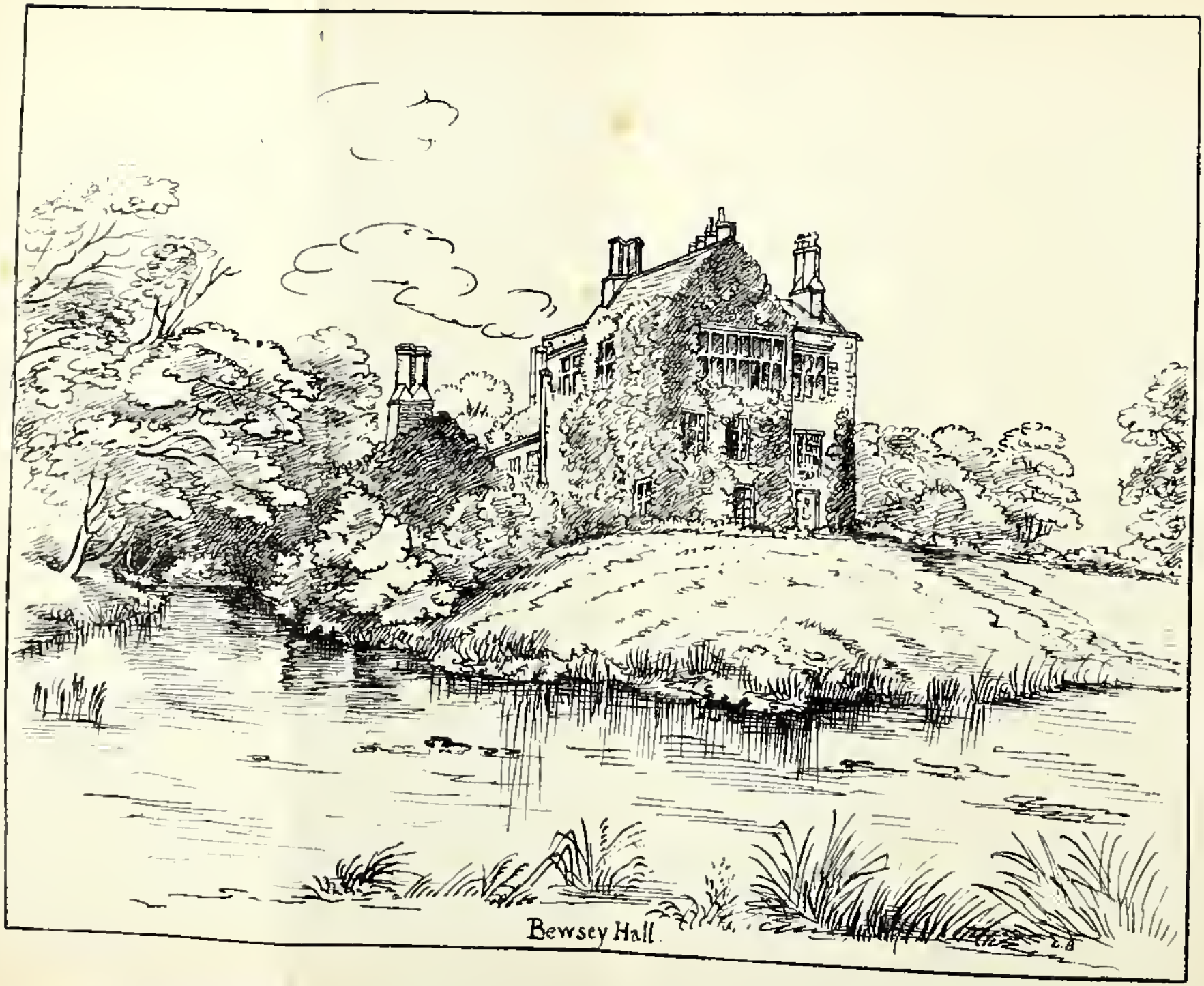
"Where by the Mersey's willow margent peers
Walintun's forded town and manor seat,
Whose fane there vow'd to sainted Elfin's name,
Of yore aspires beside the forted mound
At head of its throng'd hamlet's antique street,
Fronting the pass which Thelwall's watch defends.
Or from its vicinage, where Bewsey's isle
Its moated hall by verge of bowery woods
Lifts over Dallam's meads."
(*Alfred*, a poem, by John Fitchett, esq. B. 44.)

PART I.

PRINTED FOR THE CHETHAM SOCIETY.
M.DCCC.LXXII.

Printed by Charles Simms,
Manchester.

Printed by Charles Simms,
Manchester.



Bewsey Hall

ANNALS

OF

THE LORDS

OF

WARRINGTON

FOR THE FIRST FIVE CENTURIES
AFTER THE CONQUEST.

WITH HISTORICAL NOTICES OF THE PLACE AND
NEIGHBOURHOOD.

BY

WILLIAM BEAMONT, Esq.

"Where by the Mersey's willow margent peers
Walintun's forded town and manor seat,
Whose fane there vow'd to sainted Elfin's name,
Of yore aspires beside the forted mound
At head of its throng'd hamlet's antique street,
Fronting the pass which Thelwall's watch defends.
Or from its vicinage, where Bewsey's isle
Its moated hall by verge of bowery woods
Lifts over Dallam's meads."
(*Alfred*, a poem, by John Fitchett, esq. B. 44.)

PRINTED FOR THE CHETHAM SOCIETY.
M.DCCC.LXXII.

Printed by Charles Simms,
Manchester.

1390800

INTRODUCTION.

"All monuments of antiquity are so speedily passing away, all traces of those bygone generations on which the mind loves to linger, and which in their dim and indistinct memories exercise a spell — often a holy and a purifying spell on the imagination, are so fleeting, and when irrevocably gone will be so lamented, that all testimonies which throw certain light on the habits and manners of the past, how slight soever the testimonies they afford, how slight soever the characteristics they display, are of the highest possible value to an enlightened people who apply the experience of the past to its legitimate and noblest use — the guidance and improvement of the present."

SO many of the events and circumstances of human life are common to all, that from the life of any individual, if faithfully written, it has been said we may derive profit and instruction. All have struggles to make, difficulties to meet, and cares and trials to bear :

"To each his sufferings all are men!"

And when we read how bravely any one has borne his lot, we gird up our loins to follow his example, and seeming to hear this voice whispering behind us,

"Tu ne cede malis sed contra audentior ito,"

we buckle on our harness again, and prepare to fight our own battle with new vigour. On the other hand, while unavoidable misfortunes move our sympathy, the neglect or desertion of duty which we see excites our regret or anger, and stands like a pillar of warning to confront us.

Trials are confined to no one period of life; no season is exempt from them. Neither that time in which "the boy is father to the man," nor manhood in its vigour, nor middle life with its graver aims and objects, nor old age with its infirmities, nor even the last closing scene of all, is without its peculiar lessons which whoso wills may read, and, if he so will, may read to profit.

But if a single life thus yields its lessons, how much richer a harvest ought we to derive from that which is a cluster of lives, the life of an old family like that which these *Annals* relate, which, having been rooted in the soil for generations, has attained a measure of years to which that of a single life is but as a span; or as that motion of "the dial's point still ending at the arrival of an hour" is, when compared with that of the short hand of the same dial, which takes in its measured march many hours to accomplish what the other accomplishes in one.

A life of this kind passed in times very different from our own, and which has numbered nearly twice the years of Nestor; which saw our fathers acting busy parts in

> "bright embattled fields
> Of trophied helmets, spears and shields,"

must possess a store of striking incidents of a nature to call up thought and kindle the imagination. In twenty reigns it must have witnessed and perhaps taken part in many of the remarkable events of English history. It saw kings either set aside or unroyally dealt with; Curthose set aside by Rufus and Matilda by Stephen,

Cœur de Lion treacherously betrayed and put to ransom, Arthur set aside by John, Richard of Bourdeaux by Bolingbroke, Edward V. by his uncle Gloucester, Richard Crouchback by Richmond, and Jane Gray — "queen Jane" for a day — displacing Mary. It saw the country wrung by the intestine wars of Stephen, the great charter extorted from John, and the insurrections of Wat Tyler and Jack Cade threatening the country at different times. It saw the rise, growth, full age, plethora, decay and final downfall of the monastic houses, the reformation of religion, and as the family lamp was feebly flickering and about to expire it saw England delivered from the dangers of the great Armada.

But if we call in reason and strip away the enchantment which distance either of time or space always lends in such a case, we shall find that in many respects those times which seem so much more picturesque were not so happy as our own. It was not every one *then* who could take up the apostle's words and say "I was free born;" for there were in those days serfs and bondsmen, who were not only not masters of themselves but were either attached to the soil and capable of being transferred with it, or of being separated from it and sold like the cattle upon it. This race of people was not extinct even so lately as the reign of queen Elizabeth, for in the year 1574 she issued a commission to enquire "what if any lands and goods her bondmen and bondwomen had, in order that they might compound for their manumission or freedom and might enjoy such lands and goods as free-

men!" Boast as they would of their freedom, even the great and wealthy were only free after a sort, for they were not only subject to the feudal exactions of aids, wardships, marriages, reliefs and the like, the very names of which sound strange in our ears, but they were very far indeed from having even such a share of personal liberty as they had secured to them by the safeguards which are now thrown around even the meanest of the queen's subjects.

The rise of a family like that to which these *Annals* relate may generally be traced back to some ancestor in a remote age whose actions made him famous, and led to his career and that of his family attracting notice afterwards. For five hundred years, a limit which few families have passed, this family bore a part not only in the wars, conquests and other public affairs of their time, but were active also in discharging those less public but equally necessary duties of their rank and station in their own neighbourhood. In their life therefore, reflected as in a mirror, we have a moving panorama of the various characters, events and circumstances of their time, and by it we are enabled to realise more vividly both the highways and byeways of the history of times long since departed. The course of such a life resembles that of some great river which, small as a silver thread at first, runs sparkling on through bare and barren tracts, until having received large accessions from other streams it rushes headlong through some deep cleft or chasm into the plain below, and there, after traversing leagues of country,

bare at first and then fertile, gains at last its home and dies in the sea. Life and the river have both their falls, but in one respect their fate is reversed; the river has its fall in the impetuosity of youth, but the fall of the other is not only not at its outset, but generally precedes its decline and final extinction.

If the changes which occur in any single life are great, how much greater and more numerous must be those which happen in the course of a family life such as that to which we have referred. But there is one period which awaits both, and until that time arrives a poet denies that either can be called happy:

> "Ultima semper
> Expectanda dies homini dicique beatus
> Ante obitum nemo supremaque funera debet."

The first mention of our Botelers or *Pincernas* occurs in that great repository of early names, the *Domesday Survey*, where we find Richard Pincerna mentioned as holding lands under Hugh Lupus earl of Chester, whom he served in the office of butler, a circumstance to which he owes his name.

If it be true, as it has been said, that religion, politics and literature—the three great subjects which occupy all educated minds—are the levers which move mankind, which of them and to what extent and for what benefit, we may ask, exerted its influence on the English mind in the days of Richard Pincerna and his more immediate descendants?

Under its mixed form of piety and superstition religion

even then was not without its effect in softening the manners of an iron age when war was society's normal state, and what was called peace was in reality only a short or occasional suspension from war, and little more than an armed truce. One of the earliest lords of Warrington showed that while he acknowledged the value of religion and owned its power by bestowing on the Church a substantial portion of his substance, in which he set an example to his successors which several of them did not fail to imitate, he was himself only following the general fashion of the age, which had a strong passion for erecting and endowing monasteries and religious houses. With this stimulus these institutions and their inmates afterwards grew and increased so fast that at a time when the country was comparatively thinly peopled, there were more than thirty thousand friars, and we know not how many monks, priests, parochial clergy, templars, hospitallers, lay brothers and the like, with their servants; so that churchmen had then so large a share in society that the good old motto "ora" et "labora" broke into two parts, of which the churchmen took the former and the rest of society the latter.

In the struggle between Henry II. and his refractory prelate Beckett the great power of the Church was shown by the prelate being able to withstand the crown so long. If Beckett was, as has been supposed, a connexion of Theobald Walter,* our great Lancashire noble, who

* Collins' *Peerage*, vol. ix. p. 58, and *notes*.

acknowledged his kinship with the house of Bewsey by giving Richard Boteler lands in Hout Rawcliff,* we may imagine that in the struggle between him and the king the Botelers would take the side of the Church, and would consequently rejoice with Theobald Walter when the contest was over on the great power and territory which he had gained by his kinship with the prelate.

In the early part of the Boteler career politics consisted of little else than a blind adherence of the vassal to his master to whom he had pledged the sword with which he had carved his fortune. At the Conquest and for some time after, the warrior when he went into battle was careful to encase his person in steel, about which and in preparing it as much care was then used as is now employed in perfecting destructive weapons of offence. As if he was to be ever ready for battle the knight was always to be prepared with a hauberk, a steel shirt, an iron breast-plate, a sword, a knife and a horse; and the pains taken to describe his steel dress when it was put on shows that it was required to be made by a skilled workman, a "Milaner" probably of the time; "induitur," it is said, "loricâ incomparibili quæ maculis duplicibus intexta nullius lanceæ ictibus transforabilis haberetur." King James had not then uttered his wise saying, that mail armour was a good thing, since it prevented the wearer from hurting others or being hurt himself. As time

* Dodsworth's *MSS.*, in which Theobald calls Richard "consanguineus meus."

rolled on *cedant arma togæ* was admitted, and as parliaments came into being the first faint gleam of freedom dawned. The mailed warriors thus learned to choose their side in debate, and to use in it those weapons which are sharper than a two-edged sword. They had to advise how best to defend the country from invasion, to win it new additions of territory either within or beyond the four seas, and to settle whether a subsidy was necessary, and if so what should be its extent or amount. But although knights and burgesses were summoned to parliament by Simon de Montfort as early as 49 Henry III., and though the lords of Warrington were of the number of his partizans, we have no evidence that they were ever called to any of the early parliaments; but this may be owing to the singular circumstance that no summonses to parliament of any knights or burgesses from Lancashire can be found of an earlier date than 23 Edward I.*

At a time when books were scarce and a library, "that medicine of the mind," still scarcer, when writing was an art wholly confined to ecclesiastics, and when even the nobles and great men veiled their ignorance of letters by authenticating their charters with their seals, literature was confined in a narrow channel, and was followed only by very few. In that age a great man, one of those who boasted

"Their sword their ancestor and themselves their law,"

being asked to show by what title he held his lands,

* *Hist. Lan.*, vol. i. p. 292.

grasped his sword hilt to signify that by that he had gained and by that he meant to retain them. Another great man, to intimate his contempt for a parchment title, assumed for his motto "documenta nocumenta," meaning that charters were either unnecessary or that they were a nuisance. But the æra of the Botelers touches both limits of the golden chain of English literature, — its dawn when it was faint and feeble, and its meridian, — when, after the discovery of that conduit of books and learning, the art of printing, there was ushered in an age of literature the rising beams of which were seen by the first sir Thomas Boteler, but the full splendour of which was reserved for his successors in the Augustan reign of Elizabeth.

But though the office of the Botelers, as their name implies, was to serve at the wine cup, that was far from being their only service, for the sword was as often in their hand as the goblet; and so constantly did they use it in the wars of their time that they had their full share of

> "disastrous chances
> Of moving accidents by flood and field,
> Of hair-breadth scapes i' th' imminent deadly breach
> Of being taken by the insolent foe!"

They were engaged in the subjugation of Ireland, where they happily escaped seeing prince John's escapade, who, when a young man and his father's lieutenant, insulted and incensed the friendly Irish chiefs by pulling their beards.

In the barons' wars under Henry III., when the Botelers espoused the cause of Simon de Montfort, they would have lost by it life and fortune had not both these been saved by a timely repentance and submission. How popular by espousing it they had made the hero's cause at Warrington appears by the blind faith which their tenants placed in the miracles wrought over his remains after his death. Not less than nine persons, and those not of the poorer sort, were among those who sought and it is said obtained a cure of their sick ailments by applying the hero's fillet or some of the earth on which he fell.*

Having assisted to subdue the Irish the Botelers next assisted to conquer a people nearer home,

"An old and haughty nation, proud in arms."

Policy and ambition, outweighing with king Edward the sense of justice, induced him to desire to reduce Wales under his sway, and the gallant little kingdom proving too weak for resistance was obliged to succumb to his arms. William le Boteler the baron of Warrington served in the conquering host, and afterwards helped to garrison one of the strong castles which were to secure the conquest. During the war he may have been present and have heard the king, in presenting his infant son Edward of Carnarvon to the Welsh chieftains, tell them that he was fulfilling Merlin's prophecy in thus giving them a prince born in their country and who could speak no other language; after which he pronounced the Welsh

* Rishanger's *Chronicle*, pp. 74, 75, 80, 90, 94.

words "eich dyn" (here is your man), which words being corrupted into "ich dien" have since become the motto of the prince of Wales.

Having absorbed Wales king Edward next turned his eyes with the same object towards Scotland, and William le Boteler, then old and feeble but a veteran in arms, marched with him on that enterprise also; but scarcely had he reached the borders of that kingdom before he was seized and carried off by age or disease. His successor, who like himself held his lands by military service, marched and served in the same cause; but though armament after armament was sent against Scotland, all of them met with a repulse from her brave and patriotic defenders.

The services of the Botelers being next required by Edward III. in his French wars, one of them was there made prisoner, and if he had not been rescued by the gallantry of sir Walter Manny would have died ingloriously.

John of Gaunt duke of Lancaster having required the aid of his feudal retainers to assist him in his attempt on the crown of Castille, the head of the house of Boteler marched with him, and under his standard shared in the glories of the great victory of Navarete.

A little later, when the same Boteler sailed upon the crusade to Morocco, he fell into the enemy's hands, and would have long remained their captive had not the king interfered and found means to ransom him.

Sir William le Boteler, who had engaged with a retinue

of men-at-arms and archers to serve Henry V. in his French wars, sailed with the gallant king to France, and while serving before the walls of Harfleur was seized and carried off by an attack of dysentery, which was then raging with great virulence in the camp, and sir William thus became the third member of his house who had died in harness!

As the war in Scotland had failed to seat an English king on the Scottish throne, so this French war, except for a short interval, failed to place an English sovereign on the throne of France. The success of the Normans in winning for their prince the crown of England was not to be reversed by the achievements of the English on the soil of France.

When the French war was over and their attention was no longer distracted by foreign strife, the English turned their arms upon one another, and the war of the Roses began to divide the kingdom.

In Cheshire, where great numbers of the knights and gentry were proud to wear the badge of the silver swan which his queen had distributed, Henry VI. had a strong party; and when he had founded his great college in Cambridge and bestowed on it the tithes of the Lancashire parish of Prescot, the queen was incited to follow his example and to found Queen's college in the same university; "whether," says Fuller, "as Miltiades' trophy in Athens would not suffer Themistocles to sleep, so this queen, beholding her husband's bounty in building King's college, was restless in herself with holy emulation until

she had produced something of the like nature; a strife wherein wives without breach of duty may contend with their husbands which should exceed in pious performances."

The king and queen, who are believed to have rallied their Cheshire and Lancashire adherents by making at least one visit to the neighbourhood, found there no more faithful adherents of the Red Rose than their old tenants and retainers the Botelers; and when the two parties met in civil strife at Blore, one of the earliest battles of the rival houses, sir John Boteler, fighting for the Red Rose, after a narrow escape from being made prisoner with his friends the Haryngtons, and from the sadder fate of some of his other friends who fell on the field, returned home after the battle in safety, and not long after married the widow of a comrade who had been slain at his side.

Still holding fast by the house of Lancaster and his family traditions sir William, his son and successor, buckling on his armour marched with queen Margaret to Tewksbury, and was there engaged in what was nearly the last battle of the two houses; but less fortunate than his father had been at Blore, he either died on that revengeful field or fell under the headsman's axe immediately afterwards.

Loyal however to his Lancastrian principles and unawed by his brother's fate, when Henry of Richmond unfurled his standard sir Thomas Boteler ranged himself under it, and having marched with him to Bosworth there shared the glories of the last battle and final triumph of

the Red Rose. As he was of the Stanley host he may have seen Henry of Richmond transmuted from an earl to a king upon the field.

But grim-visaged war had not yet "smoothed his wrinkled front," for the old feud with Scotland having broken out again sir Thomas once more buckled on his harness and was present and bore his part in the bloody battle of Flodden. As a Stanley who commanded his division led the fatal charge he may have heard the cry of "On, Stanley, on," which has since been made so famous in *Marmion.*

In the early part of these *Annals* the law was marked by some features which may well excite our wonder. Questions which should have been decided by testimony were then often left to be tried by the ordeal of fire or water; a sort of superstitious appeal to divine providence to work a miracle in proof of the guilt or innocence of an offender. The practice however seems not to have been confined to England, for we read that "the emperor Lascaris being sick, and thinking that his sickness was caused by magic, directed all those whom he suspected of being concerned in it to prove their innocence by handling a hot iron with impunity; thus joining to the most dubious crime in the world the most dubious proof of innocence."* No instance of the use of the ordeal of fire or water is to be found in these *Annals;* nor is there found in them any such trial as that referred to in this entry from the *Che-*

* Blackstone's *Commentaries,* vol. iv. p. 343.

shire Records, where an approver, as an accessory in a felony was called, and who had confessed his offence and accused his accomplices, is set to fight with them as a means of proving by prowess and the strength of his arm their guilt and his own innocence. The entry runs thus :

"Paid John Burbache, an appellant approver against David Martyn and others of theft, for his wages while confined in the prison of our lord the king in his castle of Chester, xvii^{s} vi^{d}. And paid for divers articles bought for the array of the said approver and of John Halywell the defendant when they fought before the justice at Chester, upon the Rodeea at Chester, xxiv^{s} vi^{d} ob. And paid for divers articles bought for the array of the aforesaid approver and of John de Ins the defendant, appealed by the said approver of felony, when they fought before the said justice at the place aforesaid, v^{s} xi^{d} ob." *

The array spoken of in this strange scene was the setting up of an enclosed space of sixty yards square, in which the accuser and the accused were to fight out their battle. On one side of it there was erected a tribunal for the justice of Chester, his counsel at the bar and the court. A crowd of spectators stood round the enclosure watching the proceedings with exciting interest. The fight was to commence at sunrise, and unless one of the combatants was either vanquished or cried "craven" (that is admitted himself vanquished) it was to continue until sundown, and truth was supposed to declare herself on his side who vanquished his opponent. But if we have no mention in these *Annals* of either a trial by ordeal or by

* *Chester Chamberlain's Accounts*, 20 and 21 Richard II.

appeal we have certainly more than one notice of a trial almost as strange, the trial by *wager of battel*, to decide a disputed title to land. In a trial of this kind the champions of the two parties were to meet and fight together until one of them was vanquished, when the right to the land was supposed to be his whose champion had been the victor. Dugdale has given a record of such a trial in Norman-French, which, as such records are rare, is here given in a translation :

"At a session, before the justices in eyre, at Northampton, in the year 1330, Thomas fitz Hugh de Stanton demanded against the prior of our Lady of Lenton the advowson of the church of Herleston, as heir to his ancestor William, who had presented his clerk, William de Grendon, to the living in the time of the king's grandfather, and thereupon he offered to defend his right by the body of his freeman William fitz John. Upon producing the champion for Thomas, the serjeant-at-law, who was his counsel, took the champion's arm, and then the latter, ungirt, barefooted and barelegged, with the sleeves of his tunic turned back, and his arms bare, held up a gauntlet in his right hand with a penny in each finger. The prior then denied the demandant's right, and his ancestor's seisin, and offered to defend his own right by his freeman William fitz Thomas, then present and ready to defend it by his body, and then the serjeant-at-law, who was his counsel, took his champion's arm as he stood at the bar, and did with it in likewise as had been done with the other champion's arm. Afterwards both the champions were ordered to come within the bar, and to come up towards the bench, and to stand one at one end of the table and the other at the other, while the justices examined their feet to see that they were without shoes. The Chief-justice (who was probably Henry le Scrope) now demanded of the parties whether they knew of any

misprision on the part of either champion, or if they had any objection to make to the person of either of them, and they answered 'No.' And then the Chief-justice, addressing the tenant's champion, said to him, 'Give me thy gauntlet,' whereupon the champion knelt down and gave it him, and the same was done with the other champion and his gauntlet. Then he shook the five pennies out of the two gauntlets, and put those of the demandant into the tenant's gauntlet, and those of the tenant into the demandant's gauntlet. Afterwards he demanded of the champions whether they were ready to do battle according as the parties had offered for them, and they answered that they were. The Chief-justice then commanded each champion to offer the other his gauntlet, which was done, and each champion took the other's gauntlet, after which he bade them deliver the gauntlets to him, and then he restored to each champion his own. This was done not only that the court, but also each champion might be satisfied that the gauntlets were fair and lawful. Chief-justice Scrope then demanded of the parties whether they knew any reason why the court should not make an award of battle, and upon their answering 'No,' he informed them that they must find pledges to abide the battle, and they found such pledges, two for each party. Then said the Chief-justice, 'The court hath heard how you have waged battle on one side and the other, and how you have declared that you know no cause why the battle should not be awarded, and this court doth therefore award it. Be you therefore before us in the second Monday of Lent, and have with you at the same day your champions arrayed for war ready to do battle according as you have offered it.' It was then ordered that no man of either party should have access to either of the champions in the meantime, and he charged each party to watch over his own champion, and to see that no one had access to him on pain of such punishment as belonged thereto. The Chief-justice then ordered the tenant to lead his champion to some church, and the demandant to lead his to some other church, and that each in their

respective churches should offer the five pennies which were in their gauntlets in honour of the five wounds of Christ, in order that God might give the victory to him who had the right. The parties were then commanded to come at the appointed day prepared to take an oath at the bar, and another in the lists. Upon Saturday before the appointed Monday, the Chief-justice commanded the parties to bring their champions each separately into a private place to shew their apparel; and first, he caused the prior to come before him with his champion, and finding on examination that the latter's apparel was of leather, he ordered it to be removed. Then he measured his baton and found it five quarters long, and pronounced it to be of the right length. He then examined the shield and found it an ell long and three quarters of an ell broad, which he adjudged to be not greater than the assize, although a man might use a shield of less dimensions if he wished it; and having afterwards in like manner examined the demandant's champion, he commanded both tenant and demandant to have their champions present on the appointed day. And upon such day the parties and their champions came to the bar with their shields borne before them, which were placed between them as they stood at the bar. Their two batons, which had been borne before them in like manner, were delivered to the court, and then the tenant, by his counsel Shareshull, thus spake: 'My masters, you have here the prior of Lenton, with his man William fitz John by name, arrayed for battle, and ready by heaven's grace to do and perform all that the court of our Lord the King doth or shall award, and this he proffers against Thomas fitz Hugh de Stanton with his man William fitz Thomas;' and the demandant did the like, repeating the same words *mutatis mutandis*. Then Chief-justice Scrope made the tenant's champion stand towards the north, and the demandant's towards the south, and commanded the former to take the right hand of the latter in his left, and grasping it gently without hurting or straining it, to place his own right hand upon the book, and to say as follows: 'Hear this, O man, whom I

hold by the hand, William by name of baptism, that Thomas de Stanton hath not any right to the advowson of the church of Herleston, and that his ancestor never was seised thereof, but that the same was and is the right of the prior, and hereto I swear. So help me God and his saints.' After which the demandant's champion took the same oath in the same form. The demandant's champion was then commanded to take the right hand of the tenant's champion in his left, and to put his own right hand on the book, and to say as follows: 'Hear this, O man, whom I hold by the hand, William by name of baptism, that thou art perjured, and this is thy perjury, that the advowson of Herleston is the right of Thomas fitz Hugh de Stanton, and was the right of his ancestor. So help me God and his saints.' The court now having chosen one of the batons delivered it to the tenant's champion, and the other to the demandant's. Afterwards the Chief-justice demanded of the prior whom he wished to bear his champion's shield to the field, to which he answered: 'He who bears it now.' In like manner he asked him who should bear the baton, and the prior named for that purpose sir Richard de Maundeville knight, who undertook to bear it, and to him it was forthwith delivered. Afterwards he was asked in whose ward he wished his champion to be while they proceeded to the place, and he named a knight who undertook it, and the champion was given into his charge. And the like form in all respects was observed towards the demandant and his champion. Then the Chief-justice charged the champions that if after they had entered into the battle one of them should strike the other down, and have it in his power to slay him at the next blow, and then either tenant or demandant were minded to speak of peace, and should elevate his wand, and the court should thereupon order the champion to stay, he would at once stay and proceed no further without leave of the court upon pain to forfeit life and members. And then straightway the knights who had charge of the champions had orders to conduct them safely to the place of combat. But when they were come to the field the tenant and

demandant came to an agreement, and coming before the justices, prayed for leave to be allowed to end the cause, and the prior paid a fine to the king, and thereupon leave was granted as prayed. Whereupon the Chief-justice addressing the demandant said: 'Thomas fitz Hugh de Stanton, the court of our Lord the King having laboured very much in this cause of yours, now asks as a right that the champions do make display of their prowess with shield and batons;' 'but without dealing real blows,' said Croke interposing, 'and that they do afterwards entertain us with a few falls of wrestling.' And then the tenant's champion being placed towards the north, and the demandant's towards the south, they made an onset with shields and batons until the court cried out 'enough.' After which they had two bouts of wrestling, and then they parted and took their leave, carrying with them the batons delivered to them by the court; after which the justices rose, the court broke up, and the business ended."

The wheels of justice moved so slowly in our forefathers' time, that "the law's delay" might then very properly be classed with "the oppressor's wrong" and "the proud man's contumely," as among the great proverbial sufferings of the age. But "in the piping times of peace" the knights of old found occasional relief in the excitement of a law-suit, just as the gout is sometimes said to afford a respite from an attack of *ennui* or a fit of the spleen. But a suit like that between the Botelers and the Leghs, which as these *Annals* show dragged its weary length not through half a dozen terms but through as many reigns, must have severely tried both the family purse and the family endurance. The tedious suit of Hutchinson against Mackitchinson, mentioned in the

Antiquary, gives but a feeble idea of the protracted nature of this Boteler suit: "I have ane suit mysell," it is Mackitchinson who speaks, "a ganging plea that my father left me, and his father afore left him. It's about our back yard. Ye'll may be hae heard of it in the parliament house, 'Hutchinson against Mackitchinson;' it's a well kenned plea. It's been four times in afore the fifteen, and deil anything the wisest o' them could make o't but just to send it out again to the outer house. O it's a beautiful thing to see how long and how carefully justice is considered in this country." *

All the amusements of our ancestors however were not like a law-suit, in which the excitement was all on one side, for there were others which were social. Besides the polite sports of hawking, fishing, fowling and hunting, they had also out of doors the coarse and cruel amusements of cock-fighting, bear-baiting and bull-baiting. Robert Geffeson is immortalised as their bearward in the rent roll of the lord of Warrington in the reign of Edward III., and we have in these *Annals* painful evidence that cock-fighting was long in favour here in high places. As to bull-baiting however, though it undoubtedly prevailed, we find no express mention either of the sport or of him who played the part of showmaster in it. In the last century, and probably even in this, Liverpool always celebrated the election of her mayor by a bull-bait, which, *proh pudor!* was witnessed by ladies as well as gentlemen,

* *The Antiquary*, vol. i. p. 16.

who when the sport was over walked in a state procession to church. After the bull-bait which had celebrated the mayor's election in 1782, not yet a century ago, the bull was deemed to have behaved so well that a wreath of honour was thrown round his neck and he was taken in triumph into the box circle of the royal theatre. Blushes must then have been scarce, or they were not then a sign of shame! Our ancestors had their fool in motley in the house to make merry with his spoken wit and create laughter for their guests in the hall; and William Silche, the wearer of the cap and bells at Bewsey in the 49 Henry III., was rewarded by his grateful master, William le Boteler, with a grant of seven acres of land in Sankey, which has immortalised his name in these *Annals*. Besides these they had mummings in the hall at Whitsuntide, carols and wassail at Christmas, sometimes a "mystery" or a play performed by a party of those strolling actors who began to travel in the reign of Henry VI., while a wedding or a christening was always the occasion of a family revel.

The study of heraldry, which attained its meridian under Richard II., had also charms for the knights and gentry in the times to which these *Annals* refer, and the many suits which arose out of the assumption of arms belonging to others are sufficient to show the importance our ancestors attached to it. Some of these led to combats with shields and arms of another kind, which did not always end so picturesquely as that suit in the court of

chivalry against Robert de Morleys, who when his arms had been challenged and judgment had gone against him at Calais in 1346, and he had afterwards received his challenger's permission to continue to use the disputed arms for his life, folded his banner on his death-bed and sent it with a chivalrous message to the challenger.

After giving this insight into the contents of his work, the editor may perhaps be allowed to state shortly his reasons for undertaking it. The Botelers, to whom Warrington belonged and to whom it owes not only its free grammar school but most if not all its other public foundations, whether religious or secular, which date before the Reformation, deserved some such recognition of their good works as he has here attempted to give, and as the history of any place adds somewhat to its importance, he was desirous to put on record such few materials as he possessed of the ancient history of his native place.

It only remains for him to acknowledge the great courtesy and kindness he has received in the course of his work from the noblemen and gentlemen whose charters he has been permitted to see. Amongst these he has the pleasure to enumerate more particularly the most honourable the marquis of WESTMINSTER K.G.; the right honourable lord LILFORD; sir HENRY DE HOGHTON baronet; sir RICHARD BROOKE baronet; sir HARRY MAINWARING baronet; ROWLAND EYLES EGERTON WARBURTON esquire, of Arley hall; WILLIAM JOHN LEGH esquire, M.P., of Lyme park; JOHN IRELAND BLACKBURNE esquire, of Hale

hall; and THOMAS ELLAMES WITHINGTON esquire, of Culcheth.

To these noblemen and gentlemen the editor tenders his grateful thanks for their courtesy in lending their charters, which has not only given him great assistance in his work, but has enriched it with much of the original matter it possesses.

W. B.

ORFORD HALL,
November 25th, 1872.

ILLUSTRATIONS.

BEWSEY HALL..... *frontispiece.*

SEALS OF PINCERNA AND FERRARS ..... *to face p.* 34

GENERAL SEALS ..... ,, 149

END OF TOMB ..... ,, 263

NORTH-SIDE OF TOMB ..... ,, 297

SOUTH-SIDE OF TOMB..... ,, 300

ANNALS OF THE LORDS OF WARRINGTON.

CHAPTER I.

INTRODUCTORY.

ALL of us feel a natural desire to learn something of the history of the place in which our lot is cast, an instinctive curiosity to know who lived in the same place before us, how and when the place first took its name, what the name means, and why it was first applied. The successive people who have occupied the place before us are in some sort related to us, and between us and them there exists a sympathy of origin. In the case of many ancient places their first foundation is lost in a remote antiquity, and we neither know who were their founders, nor when they were founded. Of their founders we may occasionally form a guess from some traces of a former language which the names retain, but after all it is only a guess, for many names of ancient places have had successive owners of different races, each of whom has left its mark upon it, and either altered it in part, or has added a word to it to explain its meaning. Tor-Pen-How-Hill, the name of one of our northern places, where each of its four divisions means the same thing, is a

notable example of this last. In Warrington itself, with which and its manorial possessors these notices have principally to do, though its present name has a Saxon sound which may be thought to indicate an anti-peaceful character, it will perhaps be found that the name since it was first bestowed has undergone various transformations. The historian of Manchester was of opinion that Warrington was the *Varatin* or ford town of the Britons and the *Varatinum* of the Romans, and that the modern name, as pronounced by a vulgar tongue, easily recals the old one (Whitaker's *Hist. Manchester*, vol. i. pp. 214, 215); and a modern antiquary, without quoting Mr. Whitaker, inferentially gives countenance to his opinion. These are his words:

"Three important rivers flowing from east to west intersect Lancashire and empty themselves into the Irish sea. At the precise point on each of these rivers, where the first available ford is found, a local name is discovered, into the composition of which the term *Werid* enters. Two of these places retain the word with a Saxon suffix denoting the progress of civilisation, and the Britannico-Saxon names Werid-ton and Pen-Werid have come down to our times slightly changed into Warrington and Penwortham. While Caer Werid, or the Camp, on the Lune suffered but a slight change in the hands of its Norman possessors, when it was afterwards translated into the Camp of the Lune and became Lancaster." (*Priory of Penwortham*, p. iv., Chetham soc.)

We may here stop to notice that the Warrington mentioned as given by Warin Bussel to Penwortham is merely a mistake for Farington. (Dugdale's *Monasticon.*) On the other hand, we have a great Saxon scholar who would incline us to find another origin of the name of Warrington, and, assigning the foundation of the place to the Væringjar, would derive its name from the Varangians, an early Norman people. (Kemble's *Saxons in England*, vol. i. pp. 63, 476.) We are told that Chester was destroyed by Egfrid the Northumbrian, and afterwards, in 892, by the Danes. (*Hist. Chesh.*, vol. i. pp. 192, 193.) Now, if the irruption of the latter people extended to this immediate neighbourhood, the

author last named might have supposed that to be the occasion, and they the people, from whom Warrington received its name. Referring to the name of Warwick, Camden, the great father of British antiquaries, says this place was called by the Britons Caer Guaric and Caer Leon, words which seemed to be derived from the British word Gwarth, a garrison; but he adds that Warwick has the first syllable of its name from Wæring, *agger*, a mound or wall. (Camden's *Brit.*, ed. 1695, p. 501.) In another place however, when referring to Wallingford, he says Ptolemy the geographer calls the place *Galleva*, which, in the Greek, he thinks was written *Γαλληνα* (*Galena*) equivalent to *Gwall hen* (or the old fort in the British tongue), which the Saxons corrupted into *Gwalleng*, and added to it the word "ford," in allusion to the ford which exists there across the Thames. (*Ibid.* p. 139.) The Norman scribe who penned the account of Warrington for the *Domesday Survey* has called it "Walintune," as thinking perhaps that it was named from its wall. (*Fac-simile of Domesday Survey of Land between Ribble and Mersey*, p. xv.) Upon the whole, however, with respect to the name of Warrington, we incline to the opinion of the learned editor of *Penwortham Priory*, that the British word "werid," *a ford*, is at the root of the first two syllables of the present name of Warrington, and that the word meaning *Ford town*, originating with the Britons, has only assumed its present form in the process of transfusion through the Saxon tongue. There is a place in Northumberland called Warneton, which for a town has the singular distinction of an *alias*, being called indifferently either Warrington or Warneton; but this may be called from the river which is near it, and so will afford no aid to our inquiry. (Lewis' *Topog. Dict.*)

On the river Lys in Flanders, however, there is another Warneton, the derivation of which may be like ours. Besides our Warrington, which was once the head of a hundred, there are others in different parts of England, and at least one which, like ours, was also the head of a hundred, as we know from an action on the statute of hue and cry which was brought

against it in the reign of queen Elizabeth. (*Cro. Eliz.*, p. 270.) The Warrington mentioned in the *Monasticon*, amongst queen Elfleda's gifts to Glastonbury, is clearly a mistake for Wrington in Somersetshire. There is however a Warrington on the borders of Buckinghamshire, and another near Launceston in Cornwall; and the existence of these places goes to negative the idea of the name being derived from the Varangians, who could hardly have had settlements in so many different places.

In America there are at least two places called Warrington, which probably owe their name to some unknown emigrants from our Lancashire Warrington. One of these is the navy yard and fort in Pensacola, and the other is the honoured burial place of general Lee's daughter.

This varying conflict of derivations however is sufficient to make us enter into the feeling of the learned antiquary Camden, who somewhere says: "I confess myself rather a sceptic than a critic in the matter of etymologies." But we now turn to our more immediate object, and after giving such few particulars as we have of Warrington at the time of the Conquest, we shall proceed to trace it into the hands of the lords and proprietors who succeeded to it on that event, and through the long series of its subsequent owners of whom we are to treat. The particulars of Warrington, as given in the *Domesday Survey* of 1086 under Walintune, by which name it occurs for the first time in history, are as follows:

"In Walintune Hundred, King Edward held Walintune with three berewicks. There is i. hide. To the same manor there belonged xxxiv. Drenghes, who had that number of manors, in which there were xlii. carucates of land and one hide and a half. St. Elfin held i. carucate of land free of all custom except the gelt. The whole manor with the hundred, rendered to the king a farm rent of xv. pounds, less ii. shillings. There are now in the demesne ii. carucates and vii. men with i. carucate. These men hold land there; Roger i. carucate of land, Tetbald i. carucate and a half, Warin i. carucate, Radulf v. carucates, William ii. hides and four carucates of land. Adelard i. hide and half a carucate, and Osmund i.

carucate of land. The whole is worth iv. pounds and x. shillings. The demesne is worth iii. pounds and x. shillings."

It appears that before the Conquest the whole of the land between the rivers Ribble and Mersey, which included Warrington, was held by king Edward the Confessor, who, as descended from Edward the elder, the builder of Thelwall, must at least have known something of this neighbourhood. The Conquest, as we have seen from the *Survey*, had reduced the value of Warrington hundred from 14*l.* 18*s.* to 8*l.* a year, or nearly one half. There had been a "wasting and destruction" and a dispersion of the inhabitants within its borders, which were more than sufficient to account for the change. The larger of the above sums however only represents in our present money about 230*l.*, which is but a small sum for the rental of a district which included the parishes of Warrington and Leigh and an area of many thousand acres of land. But our northern parts were then but thinly peopled, and much of the land was uncultivated and waste. Reduced and impoverished as it was however, the Conqueror found amongst his followers one Roger of Poictou, who was willing to receive it, and on him he accordingly bestowed it with other large possessions, on condition that he should defend them and support the Conqueror's rule. Although a great Norman earl, Roger could not fulfil this condition without having feudatories under him, and on one of these, Paganus de Vilars a brother Norman, he conferred the manor and hundred of Warrington, to hold upon the condition on which he had himself received it. Paganus de Vilars was of the family of Vilars, lords of l'Isle Adam in Normandy, a family who afterwards made themselves a name in history. Messire John de Vilars de l'Isle Adam, who was one of the nobles present at the institution of the order of the Golden Fleece in 1429, bore for his arms *or* a chief *azure* charged with a right arm vested *ermine*, with a mantle of the same fringed with silver — arms very different from those arms *argent*, six lioncels rampant *gules*, now borne by the borough of

Warrington, which are derived from that branch of the Vilars' family who were the first lords of Warrington after the Conquest. Of the same family of Vilars of l'Isle Adam was the celebrated Vilars, grand master of the knights of Rhodes, who in 1522 so valiantly defended that island against Suleiman, and whose valour, when he was at last obliged to succumb to overwhelming numbers, extorted a testimony of admiration even from his Moslem conqueror, who exclaimed to his vizier: "It grieves me to turn this aged Christian out of his home." Vilars retired with honour to Malta, taking with him those strong keys which shut *in* Rhodes, and shut *out* and sent away Demetrius, when he besieged the place with 40,000 men; and those still more precious silver keys which, while the Frank kingdom endured, opened and shut in Jerusalem. He died full of honours, and was buried in the great church of St. John at Valetta in Malta. The name of Vilars seems to have been common in old times both to persons and places in Normandy. The nuns of Vilars, just outside Falaise, are remembered by a legacy in the will of our Henry II. (*Lib. Nig. Scacc.*, vol. i. p. 5), and we find many persons of the name in various parts of England during that monarch's reign. Thus there was a Roger de Vilars, a great landowner in Gloucestershire (*Ibid.* vol. i. p. 163); and either the same or a different person of his name, but probably the same, is a witness to Richard Pincerna's charter to Calk abbey, which will be mentioned hereafter; and the same, or another Roger, gave lands in Essex to St. John's church in Colchester. (Morant's *Essex*, vol. i. p. 142.)

The Lancashire branch of the family must have settled there not very long after the Conquest. In 1094 Paganus de Vilars was witness to the grant made by his patron, Roger of Poictou, of the church of Lancaster and other possessions, among which was the church of Crophill in Nottinghamshire, to the abbey of Seis in Normandy. As Crophill afterwards became and continued a possession of the Vilars' family, we may perhaps infer that they acquired it after this grant of the church to Seis abbey.

(Whitaker's *Hist. Richmondsh.*, vol. ii. p. 236, and an inspeximus of the charter *me penes.*) About the year 1156, when Paganus de Vilars, "primus feodatus" as he is called, was become an old man, he, with other great men, was called in to witness the charter of William earl of Lincoln confirming the gift of queen Adelaide, William's consort, of land in Eston to Reading abbey. (*Deeds of Reading Abbey*, in the *Archæological Journal*, vol. xii.)

CHAPTER II.

PAGANUS DE VILARS, PRIMUS FEODATUS, FIRST BARON OF WARRINGTON.

IN the time of William Rufus, not very long after the Conquest, Paganus de Vilars received from his patron, Roger of Poictou, a grant of Crosby in Lancashire (Collins' *Peerage*, vol. iii. p. 762); and Warrington, Walton and Halsall were probably granted to him at the same time. Roger of Poictou's very early connection with Warrington is proved by his grant of the great tithes of Poulton and Woolston, two townships of that parish, to the abbey of St. Peter and St. Paul at Shrewsbury, which tithes the abbey and its successors continue to hold to this day. (*Chartulary* of the above abbey.) But the land, as well as the great tithes of those townships, seems to have been alienated by Roger, for it passed in some way to the earls of Chester, and then ceased to be a part of the fee of Warrington. (Baines' *Hist. Liverpool*, p. 102, and a confirmation charter of Henry III. cited in Dodsworth's *MSS.*) Paganus de Vilars, almost contemporaneously with his Lancashire possessions, acquired the manor of Newbold in Nottinghamshire, which his descendants continued to hold to the time of Edward III. (Thoroton's *Hist. Notts.*, vol. i. pp. 152, 153, 154.)

We are enabled to approximate the date of the first settlement here of Paganus de Vilars by the inquest of the Lancashire knights taken in 1212, when it was found that Paganus had enfeoffed his son William of certain lands which at the time of the inquest were found to be in the hands of his great grand-

son, William fitz Pagan. (*Testa de Nevil*, p. 402, and Dr. Ormerod's *Genealogical Essays*, p. 4.)

We assume that Paganus de Vilars held Warrington with its three berewicks or hamlets of Little Sankey, Orford and either Howley or Arpley in his demesne, and that he also had the paramount lordship of all the remainder of the hundred, Poulton-with-Fearnhead and Woolston-with-Martinscroft excepted.

His manor or fee however was more extensive than populous, for it has been computed that the population of Warrington itself did not then exceed 120 persons, or of the hundred 340, most of whom were dependent upon agriculture for their living. Paganus, who had probably had his attention directed to the ford at Warrington as the key of his position, fixed upon a site near the church which was well calculated to command the approach to the ford, and dwelling in a moated grange close by, having the successors of St. Elfin for his near neighbours, he there built his castellet and placed his retainers near it.

The success which had attended their descent upon England, and the great power and large possessions they had acquired by it, inflamed some of the Normans with a desire for more, and indisposed them to a life of peace and quiet. Among the ambitious nobles who, on the death of the Conqueror in 1087, joined in a conspiracy to deprive William Rufus of the throne, was Roger of Poictou earl of Lancaster. Those who aim at too much often lose what they have, and so it happened to Roger and his fellow-conspirators, for, the king having obtained the mastery, they were all seized, their possessions confiscated, and they themselves were sent into banishment. Before the year 1094, however, Roger having made his peace had been restored to all his honours and possessions. Had he remained a little longer abroad he might have been drawn into the vortex of the first crusade, and in the company of another Lancashire man Paganus Peveril, "signifer" or standard bearer to Robert Curthose, might have gone to the distant East under the

leadership of "Walter the Moneyless." Untaught by his experience of the past, Roger, on the death of William Rufus, arrayed himself against Henry I., and in 1102, having again fallen into the royal power, his estates were seized and himself banished the kingdom. His two brothers, Robert earl of Shrewsbury and Arnulf earl of Montgomery, were involved in his ruin, which however does not seem to have affected his feudatory, Paganus de Vilars. Wiser than his lord, and perhaps warned by the past, the liegeman having seen the danger of treason had wisely kept aloof from it. (Hume's *Hist. Eng.*, vol. i. p. 300.) Loyal to his patron, while he could be loyal to his sovereign also, Paganus was glad to follow him in an act which, at that time, was considered very meritorious, the bestowing of some of his substance on a religious house. Roger's father had founded the abbey of St. Peter and St. Paul at Shrewsbury, and Roger himself had given it the tithes of Poulton and Woolston in Warrington parish and, it is thought, the whole of those townships also; and Paganus was forward to imitate his example by giving it the tithes of Warbreck. About 20 Henry I. (1120) a new religious body, half military and half ecclesiastical, the knights hospitallers of St. John of Jerusalem, sprang into notice; and upon that

> "Hospital which night and day
> Received the pilgrims of the west!"

Paganus de Vilars piously bestowed a carucate of his land at Becconsal in Lancashire. It is said a good man's memory is long if it outlive his life half a year, but the memory of a good act is much longer lived. The gift of Paganus was long remembered, and in the second year of John of Gaunt's regality (1379) we find this entry: "Beconsawe. Paganus de Vilars dedit I. car. terræ ibidem sc̄to Joh. Jerusalem." (Dodsworth's *MSS.*) A little later William de Vilars, one of his sons, influenced by piety and filial affection, further enriched the hospital by conferring upon it his lands at Newsham. Besides the broad lands

in Lancashire which he held under Roger of Poictou, Paganus de Vilars held the four manors of Aston-by-Budworth, Great Budworth, Cogshall, and Whitley in Cheshire, under William fitz Nigel baron of Halton. The *Domesday Survey*, which gives us this information, only calls him Paganus, without adding his surname; but a charter of the baron, made a few years after, is witnessed by "Thomas fitz Pagan Vilars," which seems to show that he was the person meant, and makes it probable that he had some official connection with the barony. (*Hist. Ches.*, vol. i. p. 507*n.*)

Once firmly established in his Lancashire possessions, Paganus took measures to have near him liegemen and feudatories, who should hold their lands under him on the same conditions of service as he held them under his superior lord. To one of these, Roger de Stainesby, he gave Ince, to hold by knight's service; to Robert de Mulas he gave a carucate of land in Thornton, to hold by the same service; to Elwin (a name which has in it a Saxon ring) he gave another carucate in the same place, to be held by the same service; to William Gernet he gave six bovates of land in Lydiate, to be held by the same service; to Gerald de Sanchi the carpenter he gave one carucate in Sankey, to be held by the same service; and to Reginaldus he gave four carucates, to be held by the same service. (*Testa de Nevil*, p. 402.)

No second name is given to Reginaldus, nor is the place of his holding specified, but it is singular that a Reginaldus de Windesor occurs as a co-witness with Paganus to the before mentioned confirmation charter of William earl of Lincoln.

All the places named in the above grants continued long after parts of the Boteler fee, and it is probable that the land given to Reginald, the particulars of which we may possibly discover, was so also. The knight's service by which these lands were held made the holders liable to serve a certain number of days in war when called upon by their superior, and made the lands liable to reliefs, wardships, marriages, aids and many other feudal services.

In the *History of Craven* it is said that the feudatories holding under the family of Romilly were of two different periods: first, those "de veteri feoffamento," or the grants made at the marriage of Matilda daughter of Henry I., and secondly, those made at the end of the time of Henry II. It is probable that the same thing occurred in other places, but it appears that all the above infeudations were of the time of Henry I. (*Lib. Nig. Scacc.* and *Hist. Craven.*)

At the time of the Conquest and for a century or more afterwards all lands in England, according to lord Holt, were partible, and upon the death of the ancestor were divided among all the children or heirs, male or female, without any primogeniture or other preference. This custom, doubtless, had its origin among the old Normans, who had their tenure "in parage," by which younger brothers shared the inheritance *pari conditione* with the elder. But in England, after a while, whenever there were male heirs it came to pass that females were excluded from the inheritance, yet the male heirs still continued to share the inheritance of lands among them equally; nor was it until the reign of king John that the right of primogeniture was fully established. (Reeves' *Hist. of the English Law*, vol. i. p. 412.)

The alliances of ancient families are often as difficult to find as the origin of old towns. History in this respect has been unjust to the ladies, and our natural curiosity to know who was some great man's wife is often baffled by it. This difficulty meets us as to the consort of Paganus de Vilars; the chroniclers being as silent as to her name as they are as to the name of his patron Roger's wife, of whom all they tell us is that she was from Poictou, and that it was from her that her husband obtained his name of Pictaviensis.

The date of Paganus de Vilars' death has not been ascertained. It is probable however that he did not long survive the year 1156, about which time, as we have seen, he was witness to the earl of Lincoln's confirmation charter to Reading abbey. We

are equally at a loss to know when his wife died. The *Testa de Nevil* (p. 402), however, has fortunately preserved the names of all his children except Mathew; and we shall now proceed to give some account of them and their families, leaving to the last a more particular account of Mathew, the eldest, to whose share Warrington seems to have fallen. From the authority just cited it seems that Paganus, with a view of giving each child a particular estate, distributed his possessions in his lifetime, and thus prevented their devolving *in parage*, which would have given them all an equal share of the whole, and deprived each of them of the pleasure of saying of any part of it, "This is my own."

(1.) Mathew de Vilars was not named in the distribution, probably because he was the eldest son and was to take what was left of the property when the other shares had been disposed of. We shall return to Mathew when we have given some account of the others.

(2.) Alan, the second son, received from his father five carucates of land (it is not said where the land was situated), to hold in knight's service; and he received also the township of Trafford, by which was probably meant a Lancashire place of that name which has been since absorbed in some other township. Two of the Cheshire Traffords were in the earl of Chester's possession at the Domesday survey, while the third belonged to St. Werburgh's church. This church was in favour with Alan, and to it, between the years 1125 and 1152, he gave in free alms the vill of Litegade (Liscard) with all things appertaining to it. (*Chester Archæological Journal*, pt. iii. p. 297.) Calling himself Alan fitz Pagan de Vilars, he also in the time of king Stephen, which perhaps was the date of his gift of Liscard, gave Boshild in like alms to the abbey of Waverley in Surrey. (Dugdale's *Monasticon* under Waverley and Manning's *History of Surrey*.) Alan could hardly be the same as that Alan who was sheriff of Lancashire in 1185, although Gregson assigns to him the Vilars' arms. (*Hist. Lan.*, vol. i. p. 202; Greg-

son's *Fragments*, p. 299.) His son, sir Robert de Vilars, who married Mary daughter of Ralph fitz Simon, was a great benefactor to the religious house at Thurgatton. Sir Robert and Robert Dapifer witnessed the grant or confirmation by Stephen earl of Mortaigne and Boulogne to Robert de Molines. (*Hist. Lan.*, vol. iv. p. 219 *in notis.*) He also released to Simon fitz Alan a rent of xiii*s.* in Halsall, on condition that he should yearly receive a pound of pepper instead. (Dodsworth's *MSS.*) He also acquired a third part of Heshevet (Hesketh?) from Stephen fitz Adam de Ditton, subject to a yearly rent of viii*d.* (*Ibid.*) In the time of Richard Vernon's shrievalty (1202–3–4) he witnessed Hugh Bushell's grant of North Meols to Richard fitz Hutred (*Ibid.*), and he died in 16 Henry III. (1232.) (Kuerden's *MSS.*) This sir Robert was succeeded by a son of the same name, who is mentioned in 40 Henry III. (1255.) (Thoroton's *Hist. Notts.*, vol. i. p. 158.) One or other of these Roberts was probably lord of Hole Magna in Lancashire, and gave it to an ancestor of the Leghs, for in the second year of John of Gaunt's regality (1379), this entry occurs respecting it: "Hole Magna Radulfus Radcliffe et Petrus Legh ten. ibid. p. s. mil. de dño Rob. Vilars." (Dodsworth's *MSS.*) It was probably one or other of these Roberts who in 1281–82 was present with Edward I. at Rhuddllan.

(3.) William de Vilars, the third son, received from his father, Paganus, Newbold to hold in knight's service. He was a contemporary of Roger archbishop of York who died in 1181, and his wife, Petronilla, is supposed to have been a Garnet. The canons of Thurgatton bought from him, for thirty marks, four bovates of land in Owthorpe (Thoroton's *Hist. Notts.*, vol. i. p. 158), from which we may suppose either that he was poor, or that he had no fondness for enriching that religious house. He did not however withhold his bounty from another religious house, for in the reign of Henry II. he gave Newsham, in the parish of Whitkirk in Yorkshire, to the knights Templars. (*Loidis et Elmete*, p. 137.) He also joined his son Paganus in giving two

and a half carucates and two and a half bovates of land in Newbold to the monks of Swineshead in Lincolnshire, which gift Henry II. in the fourteenth year of his reign (1167) confirmed. (*Mem. Man. Phil. Soc.*, new series, vol. iv. p. 480.) Paganus, this William's son, held Upton in Lincolnshire under the earl of Moreton (*Lib. Nig. Scacc.*, vol. ii. p. 406), and he gave the living of Kinalstowe (Kinalton) and other possessions to the archbishop of York in the time of Henry II. (Thoroton's *Notts.*, vol. i. p. 158.) One of his descendants of his own name accounted for eleven marks on the marriage of the king's sister in 1236. (*Testa de Nevil*, pp. 20, 21.) Another of his descendants of the same name, describing himself as of Kinalton, in 15 Edward II. (1321) gave a bond for 40*l.*, a large sum at that time, to Ralph Basset of Drayton. (*MSS.* Queen's Coll. Oxford, ff. 37*b.*) On the 30th September 1327 he received a command to raise men, and march with them on the king's service to Scotland. (*Rot. Scot.*, 222*a*, *et passim.*) In 2 Edward III. (1328) he witnessed William Boteler's settlement of Crophill on his son Mathew, and in 1330 he was one of the jurors at Thurgatton. (See the *Priory Register.*) On the 22nd January 1335 he and the other Nottinghamshire men received a sharp rebuke in a letter, written in French, for not hastening with men and arms to the king's aid in Scotland. (*Rot. Scot.*, 313*b.*)

William appears to have had several other sons besides Paganus ; as Alexander, who had possessions in Brocklesby, acquired probably by his marriage with Cicely the daughter of William Seis about the beginning of the reign of Henry III. (*Testa de Nevil*, p. 91.) He bore for his arms *argent* six lions rampant *gules*, and was buried at Kinalton in 1245. (Nichols' *Leicesters.*, vol. ii. p. 255, where his tomb is given.) The lions in his arms are rightly given as *lioncels* in Annesley church. (Thoroton's *Notts.*, vol. i. p. 169.) William, another son, in 1208 paid half a mark for scutage (Dodsworth's *MSS.*), and the same year, having joined the king's enemies, who were at the same time the friends of freedom, his lands in Newbolt and Owthorpe were seized by

the king for that cause, and forthwith granted to William Pincerna. John, another son, is mentioned as holding lands in Kalv'ton, Newbold and Owthorp, of the honour of Lancaster (*Testa de Nevil*, pp. 3, 7), and he is also mentioned again in 1262. (Thoroton's *Hist. Notts.*, vol. i. pp. 92, 154.) It was probably the same John de Vilars knight who in 1281 witnessed the agreement between William Boteler and Robert de Stanton. (*Bold Deeds.*) One of the descendants of his name was knight of the shire for Lancashire in 1306, and for Lincolnshire in the following year. He must have been in great request as a senator, if he was also the same person who, on another occasion, received wages as knight of the shire for the county of Nottingham. (*Rot. Parl.* 84, *Parl. Writs*, vol. i. p. 24.) A John de Vilars held one virgate of land in Brocklesby in Leicestershire in 15 Richard II. (1391), and a John, son and heir of Richard, proved his age in 3 Henry IV. (1402.) (*Inquisitiones p.m.*, pp. 139, 283.) In 1236 Radulf de Vilars of Nottinghamshire was one of the collectors of the aid for marrying the king's sister. (*Testa de Nevil*, p. 21.) A William de Vilars held Odiam in Hants in 38 Henry III. (*Inquisitiones p.m.*, p. 13), and Francis de Vilars served under Edward I. in Palestine. (*Rot. Parl.*, vol. ii. p. 381.)

A pedigree of the family is given in Thoroton's *Nottinghamshire*, vol. i. p. 152, and they are alluded to in his work *passim*, and particularly in vol. iii. p. 42.

(4.) Thomas, the fourth son, received from his father, Paganus, one-half of Owthorpe and the lands of Hole and Calverton. About the year 1130 he was witness to a charter of William fitz Nigel baron of Halton. (*Hist. Ches.*, vol. i. p. 507.) He joined with others in granting to the abbot of Dieu la cresse a licence to wash his sheep in Bispham mere. He married Ada de Tarlton.

(5.) Adam, the fifth son, received from his father a carucate of land, to hold by knight's service.

(6.) Emma, the sixth child, received from her father one carucate of land in Wydehull (Windle) and one carucate in Halsall,

both which continued long after to be parts of the Boteler fee. Emma became the wife of William Garnet.

(7.) Richard, the only other son, does not seem to have received any gift of land from his father, and the words of his brother Mathew's charter to Thurgatton indicate that he professed religion and became a canon of that house. By that charter Mathew gave to the canons of Thurgatton, "with his brother Richard, all his land in Lound," by which he meant not Lund or Lunt in Kirkham, but the small township of Lunt near Sefton in Lancashire, which last occurs amongst the Boteler homages down to a late period. (*Hist. Lan.*, vol. iv. pp. 213, 388, 405.) The word lawnd, from which the place took its name, means a small park within a forest, enclosed in order to take the deer more readily, or to produce fatter venison by confining them for a time. (Whitaker's *Hist. Whalley*, p. 176.) The word occurs in this verse of the old ballad of "Adam Bell," referring to Adam and his two companions:

"Then went they down into a lawnde,
These noble archers thre;
Each of them slew a hart of greece,
The best that they could se."

CHAPTER III.

MATHEW DE VILARS, SECOND BARON.

WE now return to Mathew de Vilars, the eldest son of Paganus, and, after him, the lord of Warrington. He appears at an early period as a benefactor of Fiskerton or Thurgatton, a religious house in Nottinghamshire, founded by Ralph Daincourt about the year 1136 according to Camden, or in the year 1144 according to Tanner; and it was probably a few years after the latter date that Mathew de Vilars made it the following charter:

"To all the sons of holy mother church Mathew de Vilars sendeth greeting in the Lord. The deeds of good men done heretofore are commended to the memory of posterity by their writings and charters, in order that what they have done may not fall into oblivion, but rather may be preserved firm and unquestioned. Be it known, therefore, to all who may come after me, that I have given to the canons and brethren serving God and St. Peter at Fiskarton-upon-Trent (another name for Thurgatton) the carucate of land in Crophill which I have assigned them out of my demesne, with common of pasture and all free commodities within the same vill, *in free alms* for ever, acquitted of all secular service and demand, with the consent of my heirs, *Robert fitz Helgod*, and *Beatrix my daughter*, and my brothers Thomas and William de Vilars. After this donation, the aforesaid canons gave me the habit of a canon, that I who had been their benefactor might at the consummation of all good be one of the brethren. These being witnesses of the gift," &c. (Translated from a copy in the original

register, at Southwell, in the handwriting of the early part of the thirteenth century.)

This charter, which the donor's brother *Alan* shortly afterwards confirmed, was followed by another charter in the third person, which is as follows:

"Be it known unto all persons, both present and to come, that Mathew de Vylars and his brothers, *William* and *Alan* and *Thomas*, have granted and by this present charter have confirmed to God and the church of St. Peter at Thurgatton, with Richard their brother, all their land in Lound, in wood and in plain, with the service of Radulf de Sanchi, and their church at Warrington [the context shows that the church was Mathew's], and the church of Tytheby and the chapel of Crophill; and *Thomas* his brother hath granted the church of Owthorp; and the lord *Mathew* hath granted them the skins of the lambs of his house. These being witnesses," &c. (*Ibid.*)

To this succeeded the following confirmation charter:

"To all the faithful sons of holy church, both French and English, present and to come, *Alan de Vylars* sendeth greeting. Be it known to you, that for the health of my soul, the souls of my friends, and the souls of my father and ancestors, I have granted to God and my brethren the canons of St. Peter of Thurgatton, all that grant which my brother *Mathew de Vylars* has made to the same canons, of lands, of churches, and of tithes, and particularly of one carucate of land, neither the best nor the worst (de meliori et pejori), in his demesne of Crophill, as his charter witnesseth. These being witnesses," &c. (*Ibid.*)

In the fourteenth year of his reign (1167) king Henry II. confirmed all the foregoing gifts, and his charter of confirmation especially ascribes to Mathew de Vilars the gift of Warrington church. (Thoroton's *Hist. Notts.*, vol. iii. p. 56.)

The chronicles are again silent as to almost all Mathew's domestic circumstances; and we are at a loss to know the name of his wife, who she was, when she died, or whether or not she survived him. We must presume from his bargaining for the canon's habit that he was buried at the priory at Thurgatton.

We know from the terms of his gift to Fiskerton, that Beatrix the wife of Robert fitz Helgod was his daughter and heir, and as his great possessions passed through her to a long line of descendants we may discard the Lancashire pedigrees which give him two sons as well as this daughter. We may discard also the pedigree which gives him another daughter, Albreda, and marries her to Walter de Staunton.

The name Mathew seems to have been long a favourite name with other branches of the Vilars' family;—possibly for some honour he had brought on it, or because he had been a great benefactor of the church, and had died in the canon's robe. It would cease, however, to be any longer popular after what is recorded of one of this name in 4 Edward I. (1276), of whom, under the heading of "Sheriffs who have taken gifts to conceal felonies," we read thus: "William Morteyn fined c^{s} for receiving xx^{s} from Mathew de Vylers, indicted for horse stealing." (*Rot. Hund.*, vol. i. p. 238.)

CHAPTER IV.

BEATRIX DE VILARS, THIRD POSSESSOR OF THE BARONY.

BEATRIX DE VILARS, the daughter and heir of Mathew de Vilars, was the third Norman possessor of the manor and fee of Warrington. This name also seems to have been in favour with the Vilars' family, for besides Mathew's daughter there was a Beatrix, daughter of Robert Vilars, who married Robert Molineux and carried Crosby into that house; and so late as the time of Edward III. there was a Beatrix, daughter and heir of John de Vilars of Brocklesby, ancestor of Viliers duke of Buckingham and of the earls of Jersey and Clarendon, who married sir John Bagot and carried her large estates into that family. (Erdswick's *Staffords.*, by Harwood, p. 264.) Notwithstanding the express allusion to her and her husband in her father's charter, many difficulties have been raised respecting the alliance of Beatrix, the daughter of Mathew. In former times there seems to have been a most arbitrary privilege taken with the christian names of ladies. Gundreda, the daughter of William the Conqueror, was called indifferently by that name or by that of Matilda. (*Notes and Queries*, 3 April 1858, p. 269.) Maud, the daughter of Adela countess of Blois, was sometimes called Lucia. (*Ibid.* 27 April 1861, p. 239.) Scarcely any of the chroniclers who mention king John's divorce from his wife give her the same name. (*Amicia Tracts*, p. 500, Chetham soc.) In one of the Devon pedigrees, Dionysia, the wife of one of the early earls of Devon, was

called indifferently Mabilia, Hawisia, Dionysia, or Beatrix. (*Archæological Journal*, December 1853.) Still earlier, in a charter of 694, the wife of the king of Kent is called Werberga, and another charter calls her Ethelburth, while her real name was Cynegyth. (Thorpe's *Diplom. Anglicanum*, p. 11, and notes.) Notwithstanding the express mention of the alliance of Beatrix with Robert fitz Helgot, some of the pedigrees have married her to Alméric Pincerna and others to William Pincerna. But we adhere to the charter, believing that she was first married to Robert Helgot of Fentone in Shropshire, and that on his death she married Pincerna, an ancestor of the Botelers of Bewsey and Warrington.

The family of Pincerna, who ultimately acquired Warrington by an intermarriage with the heiress of the house of Vilars, took the name of Pincerna from the office of Butler, which they held under the earls of Chester. They appear in history for the first time in the year 1086, at the time of the Domesday survey; and though the marriage by which they acquired Warrington did not occur until some time afterwards, we deem it best to begin their history with the first of their name of whom we have mention in the *Survey*. Pincerna, as a name of office, seems to have been one of much honour, and to have been held in mediæval times, as it was in Egypt long before, by persons of some consequence. William de Albini earl of Lincoln, as we have before seen, was pincerna or butler to Henry I., for which he received the manor of Buckenham, to hold in grand serjeanty. Although he had married a queen he did not scruple in witnessing his master's charters to add after his name his title of "Le Buteler." (Wace's *Chronicle of the Norman Conquest*, Taylor's edition, p. 220 *in notis*.) The frequency with which in those times the title of pincerna was assumed in different parts of the kingdom shows how popular it was. There was a Hugo Pincerna in Herefordshire (*Lib. Nig. Scacc.*, pp. 91, 97, 152), an Aluredus Pincerna in Cornwall in 1269; and at a much earlier period there was a Hamo Pincerna in Lancashire, from whom

the great family of de Hoghton are sprung. (*Hist. Lan.*, vol. iii. p. 457.) To none of these, however, are we able to trace any connection with the Warrington Pincernas, who seem to have sprung from some other branch of the same numerous stock. The first of these, with whom we shall begin the pedigree of the Warrington family, is Richard Pincerna, of whom an account will be found in the next chapter.

CHAPTER V.

THE FAMILY OF PINCERNA, OR BOTELER.

RICHARD PINCERNA appears in the *Domesday Survey* as holding the manor of Pulton near Pulford in Cheshire. In that age, when money was scarcer than broad acres, a great man often recompensed his follower's services by a grant of land. For this cause Richard received the manor of Pulton; but the earl's cook was still better remembered, for his services were rewarded with two manors; while his huntsman, as his reward, had still three or more manors. Thus it often happens that the ministers of pleasure are better paid than those employed on more solid and useful services. The entry respecting Richard Pincerna in the *Survey* is as follows: "Richard Pincerna holds of the earl Poytone. Edwin held it, and was a free man." (Translation of the Cheshire portion of the *Domesday Survey*, p. 31.) By some oversight of the compilers of the *Survey*, this entry occurs out of its proper place, and instead of being placed in Broxton (or Dudestan) hundred, it has slipped in between two of the manors of Richard Vernon in Nantwich (or Warmundestrou) hundred. This error of the compilers did not escape the notice of the learned author of the *History of Cheshire*, who saw it and remarked upon it (*Hist. Ches.*, vol. iii. p. 261); but he omitted to notice a second mistake in the *Survey*, to which the first has led, that is the giving of Calvintone (Calveley), the next manor, to Richard Pincerna instead of to Richard Vernon, to whom and not to Pincerna it undoubtedly belongs. The second mistake has arisen from the christian names of both

owners being the same. In the time of Hugh Lupus earl of Chester, in one of whose charters he is styled not Pincerna but "Pincernarius," he witnessed William Malbedeng's gift to St. Werburgh's (*Hist. Ches.*, vol. i. p. 162); and in the year 1119 he himself gave to St. Werburgh's the church of St. Olave in Chester, and two houses in the market-place of that city. (*Ibid.* vol. i. p. 17, and *Chester Archæological Journal*, pt. iii. p. 295.) This was but a small offering from the earl's butler, but it was large in proportion to his means, and it showed at all events his good will to the church. Our knowledge of this first ancestor of the Warrington Botelers is but scanty. We do not know when he died, but we know that he left two sons — Robert the eldest, who succeeded him, and William, who was witness to a charter of earl Hugh Lupus in 1093 and to another charter of earl Randle Meschines to the city of Chester. (*Hist. Ches.*, vol. i. p. 172.) He was also witness to a charter of earl Randle Meschines' countess. (Dugdale's *Monasticon* under St. Werburgh's.)

ROBERT PINCERNA, who succeeded his father, and like him was the earl's butler, married Ivetta, the daughter of William Helgot. (Kuerden's *MSS.*) This William was probably descended from the owners of Holegate or Helgot in Corvedale in Shropshire (Blakeway's *Hist. Shrewsbury*, vol. i. p. 37; vol. ii. pp. 17 to 24), between whom and the Lancashire Garnets there seems to have been an early connection. (*Rot. de Oblatis et Finibus*, p. 403.) Some genealogists have thought that the Robert fitz Helgot mentioned in Mathew Vilars' charter was the son of Robert Pincerna and Ivetta Helgot. The sons of Zeruiah, we know, were called after their mother and not after their father; and in mediæval times there are abundant instances of children taking their gentilitial names from their maternal and not from their paternal ancestor. John fitz Rimnild was so called from his mother and not from his father. (*Rot. Curiæ Regis*, pref. p. vi.) But the usage as to names in old times seems to have often been very arbitrary. Matilda de

Stokeport sometimes called herself by the name of her late husband and sometimes by her maiden name. (Ormerod's *Genealogical Essays*, p. 109.) We all remember how our great dramatist makes king John, when addressing the madcap Faulconbridge, change both his names:

> "Kneel thou down Philip, but arise more great,
> Arise sir Richard and Plantagenet."

It does not appear, however, that Ivetta Helgot brought with her any estate to her husband, or that there was any reason why her son should change his good family name to bear one which was not better; in fact, we find that he was called by his father's name, with the addition only of de Engelby, and that he never bore the questionable name of Helgot. There seems, in Robert Pincerna's time, to have been some connexion between the families of Pincerna and the earls of Devonshire, for Robert Pincerna occurs at this time as a witness to a charter of William Vernon earl of that place to Quarr abbey. (Dugdale's *Monasticon* under Quarr.) About the year 1147 he occurs also as witness to a charter of Henry de Lacy. (*Whalley Coucher Book*, p. 76.) He gave Roger de Gondeville his son-in-law a garden near the bridge at Chester. Early in the reign of Henry II., in whose reign he is said to have been a baron by tenure (Haydn's *Book of Dignities*, p. 517), he held the twelfth part of a knight's fee in Lincolnshire among the knights enfeoffed by Simon St. Liz earl of Northampton, after the death of king Henry I. (*Lib. Nig. Scacc.*, vol. i. p. 270.) But his name has been strangely used and abused in a forged charter of William the Conqueror, which was exemplified by an inspeximus in the time of Edward III. (Blakeway's *Hist. Shrewsbury*, vol. ii. pp. 15, 16.) Randle Gernons earl of Chester, Robert Pincerna's master, passed his whole life in war and unrest. With alternate success he opposed king Stephen, and levied war against him during a great part of his reign. In 1141 the king coming suddenly upon him surprised him in Lincoln castle,

but he escaped by the outer postern, and hastened to muster a sufficient force to attack the king in return, and, although he at first succeeded and made the king his prisoner, he was unfortunate soon after, and being himself taken prisoner by the king about the year 1145 he was shut up in close confinement in the castle of Lincoln. (*Hist. Lincoln.*) As the earl's loyal liegeman, Robert Pincerna was probably with his master in his several battles; on the last occasion however he escaped being taken prisoner with him, and, that he might use his liberty for his master's good, he resolved to found a religious house where continual prayer should be made for the earl's safety, and he accordingly gave to God, the Virgin Mary, and William first abbot of Combermere, a moiety of his township of Pulton (perhaps he had only a moiety, the other half having passed to his brother William), to found there a convent of Cistercian monks to pray for the health and safety of his master the earl Randle Gernons (then a prisoner of king Stephen) and of the earls Hugh and Randle his predecessors, and of his own wife Ivetta, his son and heir Robert, and the souls of his ancestors. (*Hist. Ches.*, vol. ii. p. 464.) This charter was sealed by the grantor and Ivetta his wife, and by Robert their son and heir apparent; and, which is rare, the grantor and his wife are set down among the witnesses of the gift, and, which is still stranger, another of the witnesses calls himself "Willielmus spuens mendacium," or, according to the *Monasticon*, "Spernens mendacium." (*Ibid.*) In or about the year 1151 Robert Pincerna became a benefactor of the priory of Stoke near Clare, a cell of the abbey of Bec in Normandy. (Taylor's index to the *Monasticon.*) Earl Randle soon afterwards was set at liberty, so that the prayers his butler had instituted for him, one may hope, had not been in vain. His misfortunes however were not ended, for in 1153 he died of poison, administered to him by William Peverel. After the death of earl Randle Gernons, Hugh Kyveliok, his son and successor, by this charter confirmed Robert Pincerna's gift:

"Hugh, earl of Chester, to his constable, steward, justice, sheriff, barons, knights, ministers, and all his [liege] men, as well French as English, present and to come, greeting. Know ye that I have granted, and by this my charter have for ever confirmed, to the monks of Pulton all the moiety of Pulton, with all its appurtenances, which they hold in fee farm from Robert Pincerna, and whence any service ariseth to me. And know ye that I claim for the said monks freedom and quiet from every service belonging to me from the same land, and henceforth I will look to Robert Pincerna for the same service; wherefore I will that no one by any means destrain the same monks for such service, and I enjoin that no one in any wise presume to molest them on that account. Witnesses: the abbot of Chester, John constable of Chester, William Patric, Alured de Cumbrai, Radulf fitz Warin, Richard de Pulford, William the chaplain, with many others. Dated at Chester." (Translated from the original in the possession of the marquis of Westminster.)

This charter is sealed with the earl's seal, an armed knight on horseback in full career, and with a head in front face as a secretum. This seal without the secretum is engraved in the *History of Cheshire* (vol. i. p. 32). The deed has no date, but as John was not constable until 1172, it is probable that Robert Pincerna the founder had then been dead some years. The situation of the abbey was too near to the Welsh, and its limits proved too narrow for the monks, who ultimately removed to the neighbourhood of Leek, where they built a new home and called it Dieu la cresse —"may God increase it." (*Hist. Ches.*, vol. ii. p. 463.) Upon this house and others similarly founded, and upon the prayers that went up from them at midnight, Randle Blundeville is said to have placed his reliance in distress. Being overtaken by a storm at sea as he was returning from the East, he refused for a time to give any help towards righting the ship, though she was in momentary danger of sinking; but at midnight, when he said the united prayers of an army of monks would be supplicating heaven for him, he would then lend a

willing hand, for it was his duty to remember the motto, "labour and pray"—*ora et labora.* (*Hist. Ches.*, vol. i. p. 34.)

In the second, third and fourth years of Henry II. (1155 to 1157) Robert Pincerna occurs as holding the lands of Budiford in Warwickshire; after that time the entries cease, and it is probable that he died. (*Pipe Rolls*, pp. 44, 86, 186.)

Robert Pincerna seems to have had a house at Engleby in Derbyshire, and his son and heir Robert was called de Engleby, probably from having been born there. Robert was a loyal servant to the earl, and gave proof of his affection for him by founding an abbey for his safety.

The issue of Robert and Ivetta appear to have been as follows:

(1.) Robert* de Engelbi, who in the foundation charter of Pulton is called the founder's heir-at-law.

(2.) Richard, who ultimately succeeded to the Pincerna estates, after the death of his brother Robert without issue.

(3.) William Pincerna, witness to a charter made about 1153. (*Chester Archæological Journal*, pt. iii. p. 295.)

(4.) Gilbert* Pincerna. (*Proceedings of the Liverp. Hist. Soc. for* 1851, p. 92.)

(5.) Hugh, who in 1171 was witness to his brother Richard's charter to Calk abbey, and was possibly a clerk.

(6.) Ranulphus or Randulphus Clericus, who was witness to the same charter to Calk abbey. He may be the "Radulf. fil. Robert Pincernæ" who held lands in Budiford in Warwickshire in 1 Richard I. (*Pipe Rolls*, p. 117.) He may also be the same Radulf who is mentioned in 9 Edward II. (1316) as having long before held a house in Bridge-street, Chester. (*Hist. Ches.*, vol. ii. p. 302.)

(7.) Matilda, who married Roger de Gondeville, and who, for the health of her soul and the souls of Roger her husband and

* Gilbert and Robert are called brothers in Kyveliok's charter to Prestbury; sir P. Leycester's *Cheshire*, p. 131.

Roger her son, released to the monks of Pulton a rent of 15*s.* a year which she used to receive from them. She seems also to have given 5*s.* a year to Pulton, and 5*s.* a year to the nuns of Polesworth for the repose of her husband's soul, whom she calls de Summerville. (*Hist. Leek*, pp. 43, 44.)

(8.) Edelina, who married Roger de Somerville and gave lands to the nunnery of Polesworth, which was founded before the time of Stephen, to pray for the repose of herself, her husband and others. Dugdale, who says she was living in 28 Henry II., gives a pedigree of her family. (*Hist. Warwickshire*, pp. 216, 226, 238, 799. See also Dugdale's *Monasticon* under Polesworth.) Her husband made the following gift to Pulton of the garden which his father-in-law had given him :

"To all the sons of holy mother church both present and to come, Roger de Summervill sendeth greeting. Know ye that I have given and confirmed to God and Saint Mary and the monks of Pulton for the health and safety of me, and my wife and children, and all my friends, a certain garden near the bridge at Chester, which I hold of the gift of Robert Pincerna, so that they shall have and hold it in free alms for ever from me and my heirs freely and honourably without any earthly service. These being witnesses: Robert the chaplain, Richard the clerk, and William de Rideware." (Translated from the original in the possession of the marquis of Westminster.)

Roger seems to have been a common name in the family. A Roger de Somery was fined for not taking up his knighthood in 17 Henry III. (*Rot. Fin.*, 5*m.*) On the 1st May, 12 Edward III. (1338), in pursuance of the surplus caution often observed in times past, sir John Summerville released to the abbot of Dieu la cresse the services the abbot was wont to render for the manor of Pulton. (From the original in the marquis of Westminster's possession.) After all, it seems very probable that Roger de Gondeville and Roger de Summerville were one and the same person, and that Matilda and Edelina, their respective wives, were one and the same person. If so, we have

in it another instance of the confusion of names in ancient times.

ROBERT PINCERNA de Engelby succeeded his father as the earl's butler. (*Hist. Ches.*, vol. i. p. 486, and Dugdale's *Warwickshire, passim.*) He gave to Pulton in free alms a garden, which he held of the fee of Simon fitz Osbert, by the following charter:

"Know all men by these presents, as well present as the future, that I Robert Pincerna de Engelbi have given and granted, with the consent of my heirs, a garden in Chester, at the head of the bridge there, which I hold of the fee of Simon fitz Osbert, to God and Saint Mary of my abbey at Pulton, in perpetual free alms for ever, for the safety of myself and my ancestors. These being witnesses, Hugh de Boidele, Simon de Stantō, Robert de Stantō, and many others." (Translated from the original in the possession of the marquis of Westminster.)

He or his father was witness to earl Hugh Kyveliok's confirmation of his mother Maud's foundation of Calk abbey, which was afterwards removed to Ripponden. (Dugdale's *Monasticon* under Calk.)

We do not find that Robert Pincerna de Engelby was ever married, but as he certainly left no issue he was succeeded by his brother Richard Pincerna.

CHAPTER VI.

RICHARD FITZ ROBERT PINCERNA IN RIGHT OF HIS WIFE BEATRIX, FOURTH BARON.

Richard Pincerna, on the death of his brother Robert de Engelby, succeeded to the Pincerna estates and to their office of hereditary butler to the earls of Chester. (Pedigree of Boteler in Thoroton's *Hist. Notts.*, vol. i. p. 190.) In the year 1141 Randle Gernons earl of Chester having risen against king Stephen and taken him prisoner extorted from him not only a grant of the castle and city of Lincoln which he was to hold until he should restore to the earl all his lands and castles in Normandy, but also the king's leave to fortify and have the command of one of the towers of Lincoln castle until he should deliver up to him the castle of Tickhill in Yorkshire, when he was to restore to the king all the city and castle of Lincoln except the tower which his mother had fortified and which was his own, and except the constableship of the castle and county which was also his inheritance. (Dugdale's *Baronage.*) As the earl's butler, his duties do not seem to have confined Richard Pincerna to the earl's household at home. Like the old justices in Eyre, he itinerated with the earl besides attending him at Chester. In his short intervals of peace, as well as in the wars in which he was almost constantly engaged, he was ever with him. He attended and was a witness on the earl's part to the charter just mentioned, and we find him repeatedly acting in the same capacity at other times. Thus he witnessed the earl's charter confirming to Eustace fitz John baron of Halton the office of

constable of Cheshire (*Hist. Ches.*, vol. i. p. 487); his charter of Howick to Evesham abbey (Dugdale's *Monasticon*, vol. i. p. 361); his several gifts of lands in Whitley to Henry Tuschet and Alured de Combr' (Leycester's *Historical Antiquities*, p. 387, corrected by the *Amicia Tracts*, p. 142, Chetham soc.); his gifts of Eastham to St. Werburgh's about the year 1152 (*Hist. Ches.*, vol. i. p. 225); his gift to St. Mary's nunnery at Chester (*Ibid.* vol. i. p. 273); his gift of Kersall cell near Manchester to Lenton abbey (Hibbert Ware's *Ancient Par. of Manchester*, p. 18, and Dugdale's *Monasticon* under Lenten); his charter for refounding Trentham priory, to which Robert prior of Calk, of which the earl was patron, was also a witness (Dugdale's *Monasticon*, vol. ii. p. 250); and when the earl became one of the joint founders of Roucester abbey in Staffordshire, his butler Richard Pincerna was again one of the witnesses (*Ibid.* under Roucester). He also witnessed Henry Plantagenet's grant to the earl in 1152 of all the honours of Roger of Poictou. (Rymer's *Fœdera*, vol. i. p. 16.)

Like the doughty Lancashire soldier Miles Standish, who, when in command of the small army of the pilgrim fathers, is said at times to have dyed his sword in a liquor more innocent than blood:

> "'Twas on a dreary winter eve, the night was closing dim,
> When old Miles Standish took the bowl, and filled it to the brim;
> The little captain stood and stirred the posset with his sword,
> And all his sturdy men-at-arms were ranged about the board!"

So it is evident that the goblet and the wine cup frequently gave way to the sword in Richard Pincerna's hands.

Shortly after earl Randle Gernons had been cut off by the execrable crime of poison, which occurred in the year 1153, his widow the countess Maude founded at Calk in Derbyshire a priory of canons of the order of St. Augustine, with the pious and dutiful object of procuring by their prayers ease for the soul of her husband, who having died under the Church's sentence of excommunication was thought to have more need of such prayers.

Richard Pincerna, out of affection for his master, a regard to his memory, and a deep regret over his fate, determined to aid the countess in her pious work, and accordingly, before the death of Walter Durdent bishop of Chester, which took place in 1161, he addressed to him the following charter:

"To W. [alter], by the grace of God bishop of Chester, and to all the subjects of holy church, as well laymen as prelates, Richard Pincerna sendeth greeting. Be it known to your charity that for the health of my soul, the soul of my wife, the souls of my father and mother, and of all my relations, I have given and granted in free alms for ever to God and Saint Mary, and Saint Giles of Calch, and the canons there serving God viii. virgates of land of my demesne, in Durandesthorp, as free, discharged, and acquitted from all services, pleas, complaints, and customs as any frank almoign can or may be given. These being witnesses: Beatrix my wife, Randle the clerk and Hugh my brothers, Henry fitz Serlo, Roger de Vilars, Wulfrid de Pach[i]nt[on], Randulf his son, William his nephew, Siward his son-in-law, and many others." (Translated from the original charter late in the possession of the late rev. W. Massie of Chester.)

A large round seal two-and-a-half inches in diameter, with the butler in his robes, holding a cup in his right hand and with his name running round the margin, is attached to the charter, not as usual at the bottom, but at the side, and on the attaching label is the mark of a cross. The style of address in this charter, although singular, is not unique, for other instances of it occur in Randle Gernons' charter to St. Werburgh's (*Hist. Ches.*, vol. ii. p. 225); in a charter in Blakeway's *History of Shrewsbury* (vol. ii. p. 108); and in another charter referred to in the *Fourth Report on Public Records* (p. 142). The priory at Calk was removed in 1172 to Repindon (Repton) in the same county, and to the convent of that place Calk afterwards continued a cell until the Dissolution. (Tanner's *Notitia*, p. 79.) Remote as Calk is from Warrington, we have evidence that there existed some connection between the two places in the time of Henry III. which

RICHARD PINCERNA
circ: 1150.

HENRY LE BOTILLER.
temp: Henry III.
See plate p. 34.

ROBERT DE FERRARS.
1260, to 1266.
See Plate, p. 34.

1390800

probably had its origin in some gift to the same house by a later Pincerna, for we have then a charter of Roger the son of Henry the clerk of Sankey, in which he describes his burgage in Warrington as being held of God and the blessed Giles of Kalch. (*Hale Deeds.*) Durandes-Thorp, now Donisthorp, which was called part of the honour of Chester, is on the verge of Derbyshire and Leicestershire adjoining to Pakinton, and it was doubtless part of the hereditary possessions of the house of Pincerna. Of Calk, or rather of Repingdon its successor, Fuller tells us

"That one Thacker, who owned the site in Queen Mary's days, alarmed at the report of the Queen's intention to set up abbeys again, which came to him on a Sunday, called together the carpenters and masons of the neighbourhood and plucked down the buildings in one day [church work is a cripple in going up, but rides post in coming down], saying he 'would destroy the nest in fear the birds should come and build there again.'"

A Richard Pincerna, calling himself le Butiller, in the reign of Henry II. held a bovate of land and two tofts in Ribstan near Knaresborough. (*Plumpton Papers* by the Camden soc.) Richard Pincerna married Beatrix the daughter and heir of Mathew Vilars. We do not know the exact time when the marriage took place, and as yet we have seen no traces of the possession by Richard Pincerna of any part of the Vilars estate, that great property which afterwards constituted the Boteler fee; but in the dealings of Richard Pincerna with the Vilars property we shall now see the effect of the union of the two houses. Hitherto he had made no mention of any Lancashire property, but he now gave to Mathew de Waleton ii. bovates of land, whereof ten made a knight's fee, in Egergarth (afterwards a well known part of the Boteler fee) to hold by knight's service (*Testa de Nevil*, p. 402), which lands in the time of king John were held by Henry fitz Gilbert.

In 11 Henry II. (1164) when Geoffrey de Valoniis the sheriff of Lancashire made his return to the treasury, in which he gave an

account of the whole fee-farm of the county as 200*l.* per annum, he rendered also an account of 53*l.* 16*s.* 4*d.* for the army in Wales (*de exītu Walie*), towards which sum he paid into the treasury 34*l.* 3*s.* 4*d.* And under a writ from the crown for that purpose he excused ten knights of the county who had been present with the king in his host, one of whom was our Richard Pincerna, who was excused the payment of eight marks. (*Hist. Lan.*, vol. i. p. 224.) From this short notice of Richard Pincerna we may infer that he had been in arms for the king, whose favour he had probably gained when he was only Henry Plantagenet, and Richard witnessed the charter of accommodation between him and king Stephen. If, as is probable, he was excused a mark for each knight's fee, he must have held eight knights' fees, the exact number of which the great Boteler holding afterwards consisted.

Richard appears to have died in 23 Henry II. (1176), for in that year the sheriff of Nottinghamshire accounted to the treasury for 2*l.* 11*s.* 8*d.* of the farm of Crophill (once a Vilars and now a Boteler possession) which had been his. (Thoroton's *Hist. Notts.*, vol. i. p. 192.)

The issue of Richard and Beatrix appear to have been:

(1.) William, who succeeded his father in the estates of the united families of Vilars and Pincerna.

(2.) John, who had an interest in Owthorp as part of the Lancaster fee which the Vilars family held under Pincerna. In the *Calendar of Patent Rolls* (fol. 10) we have this entry: "Pro Joh. Pincernâ de terrâ Wolveri de Wodehous et Hermesthorp in com. Nott. regnante Johanne;" and in 6 John the sheriff of Nottinghamshire was commanded, without delay, to restore to this John such seisin as he had of the land of Wulmer de Wudhous in Hole, Woodhouse and Huverthorpe, when they became forfeited to king Henry II., and such seisin as he had when he was disseised for his service to John earl of Moreton before he became king, and from which William fitz Gobion (a descendant probably of that William fitz Corbucion who held Exhale at the Domes-

day survey, or of that Robert fitz Corbutio who held Havering in Essex) had deforced him. (Thoroton's *Hist. Notts.*, vol. i. p. 158.)

(3.) Galfridus, witness to a charter of Roger constable of Chester, who died in 1211.

(4.) Albreda, who is supposed to have first married a Vilars and afterwards Walter de Stanton, and who is mentioned in this charter:

"Know all men, both present and future, by this charter, that I, Gregory the chaplain of Crophill, have given and granted, and by this my present charter have confirmed, to Luke my messenger iv. bovates of land which I hold in Crophill, and which the predecessor of the lady Albreda, daughter of Richard Pincerna, and Albreda herself granted me power to give to whomsoever I would for ever to hold to the said Luke and his heirs, freely, quietly, and in honour, both in meadows, in pastures, in ways and in paths, and in arable land, and in all places and easements, both in and out of the said vill, rendering yearly to the lords of Crophill and their heirs ix^{s} for all secular service except foreign service, that is to say iv^{s} vi^{d} at Michaelmas, and iv^{s} vi^{d} at Easter," &c. (Translated from the original copy in the *Thurgatton Register* at Southwell.)

Of Walter de Stanton, Albreda's husband, we have several notices. In 17 and 18 John (1216) he paid xx. marks, and gave his son Walter as a hostage for his fidelity, whereupon the sheriff of Nottinghamshire was ordered to give him seisin of his lands in Crophill of which he had been disseised. (*Rot. de Oblatis et Finibus.*) Are we to infer from this that Walter's inclinations had been with the friends of freedom and not with the king? In 12 John (1210) he was serving with the king in Ireland, and we have the following entries of his *prest* money:

> "Prestita facta militibus apud Pratum
> subtus Trim, die Veneris in festo S'cti Swithini,
> coram W. com. Sar et R. Gerna et R. de
> Mariscis Waltero de Stanton xx^{s}."

And at Dublin, in the same year:

"Waltero de Staunton ii. marc."

(*Prestita Roll*, 187, 222.)

These prestita were sums of money issued out of the royal treasury by way of imprest, advance or accommodation. Bolingbroke charged the duke of Norfolk with having made an ill use of these rolls, when he told king Richard II: "Mowbray hath received eight thousand nobles, in name of lendings for your highness' soldiers, the which he hath detained for vile employment." It does not appear whether Albreda died before her husband, but he made a grant "pro salute Albredæ Vilars uxoris meæ et pro animabus," &c. (*Thurgatton Register.*)

Walter was probably an ancestor of that Henry de Stanton the chief justice so highly extolled by lord Campbell (*Chief Justices*, vol. i. p. 86), and of that sir William de Stanton whose tomb may be seen in the church of that place (Bloxham's *Mon. Architect.*, pp. 172, 173); and he was possibly one of the Stantons whose unique pedigree is given in rhyme by Thoroton. (*Hist. Notts.*, vol. i. p. 310.)

CHAPTER VII.

WILLIAM LE BOTELER DICTUS "PINCERNA," FIFTH BARON.

WILLIELMUS LE BOTELER "aliter dictus PINCERNA," who was born about the year 1160, seems to have succeeded his father Richard Pincerna about the year 1176. His father having acquired the Vilars estates, William's official connection with the earls of Chester became in consequence somewhat relaxed; he appeared less prominently as a witness to their charters, became more essentially a Lancashire man, and called himself at times "le Boteler," and not Pincerna the old official title. Being under age when his father died, Radulf fitz Barnard sheriff of Lancashire between the years 1172 and 1183 claimed his wardship for the king. (*Hist. Lan.*, vol. i. p. 202.) While he was in wardship, and probably in the last mentioned year, Radulf bestowed the town of Crophill with its appurtenances upon a certain young man in marriage with William's sister. (*Testa de Nevil*, p. 402*a*.) The sister we presume was Albreda, and the young man Thurstan Vilars the first husband of Albreda, who afterwards became the wife of Walter de Stanton.

During the few years in which he was a minor we hear little of William Pincerna, who however had not long been in possession of his estates before the celebrated statute of Winchester was passed (27 Henry II. 1181), which, on the principle of making all persons take part in defending the country, required every man between the ages of 15 and 60 to have armour and arms according to his rank and estate. William, who no doubt had lands to the value of 15*l*. a year, was required to have a hauberk (an iron

shirt of mail), a breast plate of iron, a sword, a knife and a horse; each one of his retainers who had 40*s.* a year in land was required to have a sword, a bow and arrow and a knife, while the very poorest among them were to have bows and arrows or bows and bolts, with which a wand could be hit at three-hundred-and-thirty yards, and which, when rifles and gunpowder were unknown, were very effective weapons. We see what these weapons could do from the old ballad:

"I am wilfulle of my waye, quo' the Yeman,
And of my morning tyde.
I'le leade thee through the wood, sayd Robin:
Good fellow, I'le be thy guide.

First let us some masterye make,
Among the woods so even,
We may chance to meet with Robin Hood,
Here at some unset steven.

They cut them down two summer shroggs,
That grew both under a breere,
And set them three score rood in twaine,
To shoot the prickes y-fere.

The first time Robin shot at the pricke,
He mist but an inch it fro',
The yeoman he was an archer good,
But he col'd never do soe."

(*Ballad* of Robin Hood and Guy of Gisburne.)

And that the arms requested by the statute might not rust or decay they were to be shown twice a year to the officers of the franchise at a great public gathering, such as the Swiss still have for acquiring skill in rifle shooting.

In 6 Richard I. (1194) when Theobald Walter paid into the exchequer a c^{s} for a half-year's fee-farm rent of the county of Lancaster, he paid in also xxx. marks which he had received from William le Boteler for having the king's benevolence among the men of the king's brother, the earl "*p. habendâ benevolentiâ*

inter hoīes cōitis." (Dodsworth's *MSS.*) The king had just returned home from the long and base confinement he had undergone in Austria, but William le Boteler's xxx. marks were not to go towards making up the 50,000 marks still remaining unpaid of his generous monarch's ransom. Their purpose was rather to buy forgiveness of the faults of the king's *ungenerous* brother, John Lackland, who was earl of Lancaster. In the same year we again read of William le Boteler in an entry in the records of a court of law: "Be it remembered that a day is given to William le Boteler and his sister Albreia." (*Rot. Curiæ Regis*, vol. i. p. 14.) The wheels of law moved slowly in those days, and on the 27th October in that year, when the cause was called on again, we have this entry which is rather more full: "Pleas at Westminster. From the feast of St. Michael in one month at Nottingham, a day is given to William le Boteler and Albreia his sister, in a plea of chattels, to the octaves of St. Hilary at Westminster, and they have leave to make an agreement out of court." (*Ibid.* vol. i. p. 14.) It is evident that there had been a suit between William and his sister respecting some goods or money, but most probably the former, as money was then scarce in a great man's coffers. Hearing no more of the case afterwards, we may presume that the parties took advantage of the leave the court had given them to *imparl*, and that they settled their difference out of doors. In 8 Richard I. (1196) the late war in France had produced its usual consequences, — a drain on the king's exchequer, — and it became necessary to replenish it. Towards this object William Pincerna, like others, was called to contribute, and we find his contribution thus entered:

"From William Pincerna, knight, holding of the honour of Lancaster, twelve marks, to be excused crossing the seas with the third army into Normandy since the king returned from Germany, and for scutage on his fees six marks." (Dodsworth's *MSS.*)

In the first year of king John, William Pincerna again appears as a defendant in a suit at law, of which we have this record:

"Nottingham [to wit]. Walter de Stanton was summoned to show by whose gift he had in marriage Albreda, who was the wife of Thurstan [Vilars], with the profits of her marriage in Crophill, whereupon he came and said that William Pincerna, the lord of the aforesaid fee and brother of the said Albreda, gave her to him in marriage, with the profits of her marriage, for which he paid him x. marks in silver; and Almaric Dispenser, on the part of the same William, came and denied that he either had the aforesaid Albreda from the said William or that he ever gave her to him, or that William had received the said money from him, but on the contrary, he averred that he had had her against the will of the said William, and he complained that the said Walter had entered on the said fee (of Crophill) without the said William's consent." (*Rot. Curiæ Regis.*)

Walter Dispenser, who here appears as William's attorney, was the ancestor of the present earl Spenser. The law was to him, as it has been to numbers since, the highway to fortune. He appears amongst the benefactors of Eynsham in Oxfordshire (Dugdale's *Monasticon*), and is mentioned in the *Pipe Rolls*, p. 129 (Richard I.); and again in the *Testa de Nevil, passim.* Walter de Stanton flatly denied all William Pincerna's pleas, asserted that the gift took place in the reign of Henry II., which, as the statute of limitations at that time only went back to the return of Richard I. from the Holy Land, gave him the benefit of a prescription; and finally, as the custom then was, and a strange custom it seems to us, he offered one Utting as his champion to do battle for him and it. Almeric, who on his part was equally ready to fight for his client's right, produced in court one Wigan as willing to do battle for him. Our curiosity to know what reward a champion expected for this non-military but yet fighting service may be gratified, for we find that to such a champion, fighting for him against Peter de Fawconberg, Peter de Arches gave half a carucate of land, so that if the risk was great the reward was not small (*Hist. Craven*, p. 171); and Stephen de Nerbon gave Ralph de Fillingham for his homage and for being his champion in such a combat two virgates of land. (Blunt's *Law Dictionary* under

Duel.) Dugdale has given a succint and circumstantial account, which however is too long to be quoted here, of such a trial by battle in 3 Edward III. (1330), in which, singularly enough, another Stanton was also the claimant. Wigan, William Pincerna's champion, is met with again in the *Liberate Rolls*, pp. 76, 211 (5 and 12 John); and it is quite probable that a tribe of these fighting men then hung about the courts of law, as bailiffs do now, ready to offer their services to whoever would hire them. But the parties, plaintiff and defendant, came to an accommodation, and the two fighting men were discharged without letting blood, and perhaps were not disappointed. But although William Pincerna retired from the contest, Walter de Stanton thought Crophill too valuable a possession to allow it to escape without a struggle, and accordingly in 10 John a suit on a writ of Mort d'Ancestor, between Almaric fitz Thurstan (Vilars) plaintiff, and Walter de Stanton defendant, came before the court again, touching the same vill, when Walter again advanced his claim, stating that he had married Almaric's mother, whose inheritance the land was, that he had several children by her, and that for himself he claimed no interest in the land except in her right, and for the term [of his life]. (*Rot. Curiæ Regis*, vol. i. p. 432.) How the suit ended we may see by a memorandum made on the 8th November (1 John 1199), in which Hugh Bardolph (who is mentioned by Mr. Foss in his *Lives of the Judges*), touching the question of Albreda's marriage, reported that in a recent eyre at Nottingham it had been pleaded before him, and then agreed that Walter for a certain time should give Almeric, Albreda's heir, five marks a year for his expenses, which agreement he stated had been allowed and recorded by the court. (*Rot. Curiæ Regis*, vol. ii. p. 125.) King John, in the second year of his reign, having planned an expedition to Guienne, of course required money for it. His father Henry II., on the occasion of his expedition to Toulouse in the fifth year of his reign (1158), yielding to the growing disposition of his nobles to avoid personal service in war, and to compound for it by a money payment which should

enable him to hire substitutes, had assessed and levied a tax called a scutage upon every knight's fee, and this mode of levying money his son now imitated. William Pincerna was assessed to this tax on eight knights' fees, and his assessment, which he seems to have paid, amounted to xxx. marks (or xx^{li}) which does not correspond with the tax of either one, two or three marks a knight's fee, at which the tax was ordinarily assessed. The same tax was levied also in 3 and 13 John, and on each occasion William Pincerna was again charged. On the latter occasion however the tax, which was to defray the expenses of the war, was only two marks for a knight's fee. (Dodsworth's *MSS.*) This levying of scutages by royal authority only, without the consent of the nation, and the arbitrary rate at which they were assessed, was one of the grievances which the king by the great charter subsequently promised to redress. (Blackstone's *Comm.*, vol. i. p. 310.)

Between the years 1205 and 1209, while Gilbert fitz Reinfried was sheriff of Lancashire, but most probably in 1205, William Pincerna, called for this once William *Butilarius*, was a witness with Roger de Montbegon and others to Hugh Bussel's charter of release to Roger Lacy of the barony of Penwortham. (Sir P. Leycester, liber C. 65*a.*, and *Penwortham Priory*, pref. p. xxxi., Chetham soc.)

In or shortly before the year 1207, by an inquest, which, though expressed to be of Lancashire tenures, included others also, it was found that William Pincerna held viii. fees in capite of our lord the king, and that while William was in ward to Radulf fitz Bernard for our lord the king the same Radulf gave the vill of Crophill to a certain young man with William's sister, which vill Walter de Stanton then held. That Paganus Vilars "*primus feodatus*" gave three carucates in Ince to Roger Stainesby and four bovates in Barton, which William Blundel then held of William Pincerna by knight's service; that the same Paganus gave a carucate in Thornton to Elwin by the same service, which Gilbert his son then held of William Pincerna; that the same Paga-

nus gave William Gerneth six bovates of land in Lydyate by the same service, which Benedict fitz Simon and Alan his brother then held of William Pincerna; that Reginald formerly held four carucates of land of Pagan de Vylers by knight's service, and that Hugh fitz Gilbert then held those lands of William Pincerna at four marks and by the same service; that Alan de Rixton a long time back held from William Pincerna a carucate of land in Rixton at one mark and by the same service; that Henry fitz William held of the same William from old time a carucate at Alderton (Atherton) at one mark and by the same service; that Hugh fitz Henry held from old time from the said William Pincerna a carucate by the same service; that the same Paganus gave a carucate of land in Sankey to Gerard de Sanki the carpenter to hold by knight's service; that Robert fitz Thomas then held it by the same service; that Richard Pincerna gave ii. bovates of land in Egargarth to Mathew de Waleton to hold by knight's service; and that Henry fitz Gilbert then held the same land; that William Pincerna held iii. of the aforesaid viii. knights' fees in Lindesham (Lincolnshire); and that in all the above lands ten carucates made one knight's fee. (*Testa de Nevil*, p. 402; Dugdale's *Baronage*, p. 653; Harland's *Three Lancashire Documents*, pref. p. vi., Chetham soc.)

In this enumeration of William Pincerna's possessions, in which there is a little confusion, there is no express mention of Warrington, but as the number of his fees, as we shall find, exactly corresponds with those of his two immediate successors, and as these certainly included Warrington, it must be presumed that it was also held by him.

The fees were probably distributed thus: in Lincolnshire iii; in Nottinghamshire ii; in Laton in Amounderness i; in West Derbyshire hundred (Walintune hundred being now merged in West Derbyshire) ii.

The king's folly and tyranny were fast hurrying him on and involving him in fresh troubles. To add to his difficulties, the Pope had now launched his thunders against him, and not

knowing from what side danger might first come he thought it prudent to put in order his castle at Lancaster, for which purpose, in the ninth year of his reign (1208), he issued to William Pincerna, with whom were associated several great nobles, the following request to attend and assist in putting the castle in repair and fortifying it with a ditch. (Hibbert Ware's *Parish of Manchester*, p. 182.)

"The king to the constable of Chester, and to Roger de Montbegon, Robert de Greidley and William Pincerna, greeting. We pray you, as for a service to us, to give us the aid of your men in the county of Lancaster to make the ditches of our castle at Lancaster, giving you to wit, that we shall thankfully acknowledge the work, and that we do not ask it as of custom [or right], but as of grace [and favour], and for this time only." (*Rot. Lit. Patent*, p. 87.)

William Pincerna at this time was evidently amongst the small number of those whom the king by his conduct had not yet wholly estranged from his cause.

On the 20th February 1206 the king was at Carlisle; from thence he came to Lancaster where he stayed from Tuesday the 21st to Sunday the 26th February, in which interval he had leisure to see the state of the castle, and to notice how his request had been obeyed. On Tuesday the 28th he was at Chester, having probably travelled thither by way of Liverpool. Some authorities say however that the king on that occasion did not pass through Liverpool, and that until the year 1208 he did not come there at all. (*Proceedings of the Lanc. and Ches. Hist. Soc. for* 1851-52, p. 6.) But at whatever time he came his devoted follower William Pincerna, whose house was so near, would be likely to attend him there.

The king who had made his first essay in arms in 1177 when he sailed in the host to Ireland, at which time he was but twelve years old, again visited that country in 1185, and now in the twelfth year of his reign (1210), he led an expedition there which proved to be one of his few successful campaigns. On

this occasion, as we find from the entry of the following advances in the *Prest Roll*, he was accompanied by his faithful liegeman William Pincerna.

"Imprests made to the knights at Dublin on Monday the eve of the apostles Peter and Paul (28 June, 12 John 1210), before William, earl of Salisbury, Robert de Burgat and John de Bassingbourne, to William le Buteiler, xx^{s}.

Imprest at Carricfergus 20th July, St. Margaret's Day, to William le Boteler, ii. marks.

Imprests to the knights at Carrickfergus on St. James's Day (25th July, 12 John 1210), to William le Botell' of Lanc., iiii. marks.

Imprests at Dublin on Tuesday, the feast of St. Lawrence (10 August, 12 John 1210), to Will. le Botell' of Lanc., i. mark.

Imprests at Dublin on Saturday next after the assumption of the Blessed Virgin (21 August, 12 John 1210), before the earl de Ferrar and Richard de Marisco, to Will. le Boteler of Lanc., iiii. marks." (*Rot. de Liberat. de Misis. et prestitis Regnante Joh.*, pp. 182, 198, 204, 211, 222.)

These imprests were loans or advances paid out of the public money to enable the persons to whom they were granted to carry on some public service, and the persons who received them were called *imprest* accountants. The advances made to William Pincerna were of course to support him for the time in his service in Ireland. So late as the year 1527 sir John Stanley of Honford, one of these *imprest* accountants, directed by his will the repayment of xli^{li} which he owed to the crown for conduct and prest money. (Sir John Stanley's *Will.*)

In order to ascertain more exactly the strength of his resources, and perhaps to know on what he might more immediately depend for his intended Welsh expedition, the king in the thirteenth year of his reign (1211) obtained rolls from the several sheriffs of all the holdings in their counties which he delivered to his treasurer, upon which inquests being taken in every county in England showed the king what fees his knights and other tenants held of

him in capite. The return for the honour of Lancaster showed that William Pincerna held of the king viii. knights' fees, while a great many held less, and of all the great landholders only two held more. (Dodsworth's *MSS.*, vol. 87^{000}, p. 7.)

On Thursday after the festival of Holy Cross (4th April, 14 John 1213), when the discontent of the nobles, then almost at its highest, seemed to be fraught with immediate danger to the king, William Pincerna, following perhaps the example of his patron and suzerain the earl of Chester, still held fast by his loyalty and was in arms for the king at Canterbury, where on that day we find him receiving among other knights an advance of ii. marks as imprest money. (*Rotul. de Misis*, 14 John).

On the ever memorable 15th June 1215, when his subjects wrested from the king the great charter of liberties, a sense of loyalty to the king or of duty to his local suzerain, or perhaps both united, kept William Pincerna absent from Runnymede, and so he lost the glory of sharing in that great triumph of freedom. Some of his vassals however had joined the king's enemies, and on the 17th June 1216 the king granted William Pincerna the lands of Newbold and Owthorp which William de Vilars who held them under William Pincerna had forfeited by his rebellion; and by his writ dated at Reading the king commanded the sheriff of Nottingham to put the grantee in possession of them. (*Rot. Lit. Pat.*) By another writ dated at Skelton in the same year, the king commanded the sheriff of Nottingham to put William in possession of the lands of all those knights in his county who had been the king's adversaries, and which they had held under William to whom the king thereby granted them. (*Ibid.* 147*b*.) And by a third writ dated at Brigg on the 16th August, the king commanded Robert de Veteripont (the sheriff?) to put William Pincerna in possession of the lands of Adam de Sanser who had joined the king's enemies, which he was to hold during pleasure. (*Ibid.* 281*b*; Thoroton's *Hist. Notts.*, vol. i. p. 158; and *Close Rolls* there cited.)

Crophill, which was probably among the possessions included in the second of the above grants, seems not to have remained long in the hands of the king's grantee, for in the following year Walter de Stanton paid a fine of xx. marks to have the king's benevolence or pardon (*pro habendâ benevolentiâ*), and delivered his son Walter as a hostage, giving at the same time a charter for his fidelity, whereupon Philip Mark (the sheriff?) was commanded without delay to restore him to full possession of the lands in Crophill, of which he had been disseised.

In the seventeenth year of the king's reign (1216) William Pincerna seems to have paid a fine for the king's licence for having several years before taken to wife Ada de Furneys, a lady as we should suspect from her name of North Lancashire. She is said to have been the widow of one Gamel de Bolton; and a widow in that age, if she held any lands under the king, required to have his licence before taking a new husband. The licence appears to have been obtained at the expence of a fine which she had to pay over and above that of a horse which the king required her husband to render. Ada's lands are estimated to be of the value of v. marks a year. (*Testa de Nevil*, 401*a*; *Whalley Coucher Book*, p. 417, Chetham soc.; *Hist. Lan.*, vol. i. p. 283; Dodsworth's *MSS.*, where Ada is called Alicia.)

When the "Mungmin Scutage" (Scutagium de Mungmin?) was assessed at two marks for a knight's fee, Roger Gernet accounted for six marks received from William Pincerna for his three fees in Werinton and Laton within the county of Lancaster. Of these fees Laton formed one and Warrington the other two. (Dodsworth's *MSS.*) If this scutage was levied in the reign of king John, as to which however Dodsworth leaves us in doubt, as he does also as to the occasion and purpose for which it was levied, we have the name of Warrington occurring for the first time in history after Mathew Vilar's charter. On the 28th August, 18 John (1216), he ordered the earl of Chester to give seisin of the pastures in Rossall to the abbot of Dieu la cresse, and he ordered William Pincerna and Adam de Yeland to attend

him and report that it was done when he should come into those parts. (*Close Rolls*, vol. i. p. 284.)

William Pincerna as we have seen adhered to the king through all his troubles, and we were probably right in conjecturing that he was influenced to this course by the example of the earl of Chester his suzerain and patron, for after the king's death when the earl of Chester in the third year of the new reign (1218) followed king John's example and granted a charter of liberties to his palatinate barons, William Pincerna most readily came forward to witness it. (Sir P. Leycester's *Prologomena*, p. 50.)

In the same year we read that William Tateim paid a fine of half a mark for "foolish talking" (stultiloquio), and that William le Buttelier paid the like fine for a licence to agree, which probably meant some agreement in court to pass lands. (Dodsworth's *MSS.*) If the fine for foolish talking were levied as freely now we might be saved some part if not the whole of the assessed taxes.

In the ninth year of Henry III. William Pincerna accounted for four marks in respect of his two knights' fees in Crophill and Owthorp, and Keniton (Kinalton?) and Caverton (Calverton?) (*Pipe Rolls*; Thoroton's *Hist. Notts.*, vol. i. p. 192.)

The tenth year of Henry III. (1225) proved a busy time to William Pincerna, for a fifteenth having been ordered to be levied, he with Geoffrey Balistrarius and Jordan de Cestria, clerk, were appointed to collect the Lancashire portion of it. (*Rot. Lit. Claus.*, p. 147.) In the same year he with Thomas de Bethom, Adam Banister and Geoffrey Balistrarius (the last of whom seems to have held lands from the king by the not very common render of *two bows*), are said to have been the king's justices of assize at Lancaster; but this is probably a mistake as they then only attended to make their accounts of the fifteenth. (Dodsworth's *MSS.*) And in the same year William Ferrars earl of Derby accounted for xi^{s} x^{d} (a sum now equal to 8*l.* 17*s.* 6*d.*), for sac fee received from William Pincerna for his lands in West Derbyshire. (*Pipe Rolls*, quoted in Baines' *Hist. Liverp.*, p. 100.)

The recreation with which the knights and gentry in the time of William Pincerna amused their leisure were chiefly hunting, hawking, fowling and fishing, for which the woods, wastes and unenclosed lands around them then offered ample opportunities. At the time of the Domesday survey, although woods abounded almost everywhere, no mention is made of any such as existing in Walintune hundred. In the adjoining hundred of Newton however there was said to be a wood ten leagues (meaning perhaps miles) long and six leagues and two furlongs broad, in which we may suppose there was abundance of game ; and we are expressly told that there was in it a falcon's aerie. This wood was considered part of the forest of West Derbyshire, for in 12 Henry III., when the king, to carry out some of the provisions of Magna carta left incomplete through his father's death, issued a commission to inquire and report on the forests of Lancashire, the commissioners found that Burtonwood was part of the forest of West Derby, and that it should not be disafforested, but should remain a forest still, yet so that William Pincerna and his heirs should have common of pasture in it for their stock of beasts of the plough, and should also have mast for their hogs, and windfallen timber to repair his castle at WERINGTON and to make his buildings, and should also have from it fire bote to burn.* (*Cal. Rot. Pat.*, p. 137.)

This privilege of botes to be exercised in another manor or township than that in which the grantee resided occurs in other

* The poet may give us an idea what the trees were.

"The vine prop elm, the poplar never dry,
The builder oak, sole king of forests all ;
The aspen good for staves . . . . . .
. . . . . the fir that weepeth still ;
The willow worn of forlorn paramours ;
The yew obedient to the bender's will,
The birch for shafts, the sallow for the mill ;
The warlike beach, the ash for nothing ill ;
The carved holme, the maple seldom inward sound."

Fairy Queen, book i. cant. i.

places (Dr. Ormerod's *Genealogical Essays*, 1851, p. 22), but the exception of it in William Pincerna's favour and the allusion to his castle, which stood on the mote hill at Warrington, to which we shall have occasion to make further allusion hereafter, is especially interesting. The wood was probably preserved from being disafforested by the influence of William Ferrars earl of Derby, William Pincerna's superior lord, who, having married Agnes one of the sisters of Randle Blundeville earl of Chester, had thereby obtained the lordship of West Derby hundred, and the effect would be to give his vassal William Pincerna many a day's hunting, fowling and fishing in its forest recesses.

In the scutage levied in 13 Henry III. (1228) William Pincerna accounted for xvi. marks in respect of his viii. fees, and two years after he again paid a like sum on the same account. (Dodsworth's *MSS.*) Do not let it be supposed that our ancestors, any more than ourselves, enjoyed a happy exemption from taxation.

About this time also he was witness to a deed preserved in the *Whalley Coucher Book* (p. 41), and to a grant of Richard de Mida, supposed to have been made in 1226, both he and his son Almeric, who must have been then a mere boy, occur as witnesses. (*Hale Deeds.*)

To William Pincerna, rather than to any one else, may be ascribed the rebuilding of the original parish church dedicated to St. Elfin at Warrington. The old church which was standing at the Conquest, and which had probably stood for one or two centuries before, was a rude structure of wood put together with oak timbers, rude and rough-hewn with an adze, and used with such abundance of material as showed that

> "No want of timber then was felt or fear'd
> In Albion's happy isle."

The picturesque framed churches of timber still in use at Marton and Lower Peover in Cheshire may give us a good idea of what the original church of St. Elfin was. In William Pin-

cerna's time this church had either outlived its date and fallen under the hand of time, or it had failed to satisfy the advancing taste of the age, for then a new church seems to have been erected, and it is presumed (though the prior of Thurgatton then was its patron) at William Pincerna's expense. No drawing, sketch or description of this ancient church remains, but in the year 1860, when the church was again restored, a number of fragments of ornamental capitals and mouldings were dug up, which, as you may tell a Hercules by his foot, showed very clearly that they had belonged to a church built about the time of Richard I. or John, when the Norman mode of building was fast giving way to the lighter and more ornamental style of Early English architecture.

By a deed without date, but made between 1227 and 1233, in the shrievalty of Adam de Yolland, who was one of the witnesses, William Pincerna, for the health of his own soul and the soul of his wife, granted to the monks of Durham two parts of his pasture within the Howes of Lytham, the same which Matilda de Stokeport and the lady Quenilda daughters of Richard fitz Roger gave to the house of St. Cuthbert in Lytham. (*Durham Register.*) The seal of this deed, like that of Richard Pincerna, is a draped figure holding up a covered cup in the left hand, and in the right something resembling a cross.

This religious act, which cost him but little, being only a confirmation of the gift of Matilda and Quenilda, came near the close of his life, for he died very shortly afterwards in the year 1233.

The issue of William Pincerna and Ada de Furneys were :

(1.) Almeric a son, who succeeded him.

(2.) Editha a daughter, who married Richard Molineux, and who is described as 'the daughter of William and the sister of Almeric. Richard was living in 12 John. (Thoroton's *Hist. Notts.*, vol. ii. p. 304.)

CHAPTER VIII.

ALMERIC PINCERNA, OR BOTELER, SIXTH BARON.

ALMERICUS Pincerna, who on the death of his father Richard succeeded to the family estates and honours, was born about the year 1216. None of his ancestors, unless that Aymer de Vilars who was slain by the conqueror's soldiers in 1076, was his ancestor on the mother's side, had borne the same christian name before him, and, although the name itself was common enough in all ranks at this time, we wonder how, and why, and where he got it. (Collins' *Peerage*, vol. iii. p. 762 *in notis.*) In 4 Henry II. (1157) as we see from the entry, in which we note that "pincerna" is spelt without a capital, 4*l.* were paid for cloth for Almeric the butler by the king's writ *(pro panno Almerici pincernæ per breve regis)*, from which we find that the king's butler bore this name. (*Pipe Rolls*, p. 114.) In the time of king John the royal treasurer was called Almeric, and as we have seen William Pincerna's attorney was *Almeric* Dispensator. (*Cal. Rot. Chart.*, pp. 15, 17.) Like many other names Almeric was probably a name derived from some place. In Roman times there was a city of Ameria, which sent a fruitless embassy to Sulla in favour of Sextus Roscius, who was born there: "Legati, Ameriam re inoratâ reverterunt." (*Cicero Pro. Ros.*) France had a local name of the same sort, for Robert count of Dreux in 1282 was also count of Braine, Montford and Amaury; and the king of Seville, when he invited Grenada to the Cortes, also invited the provinces of Almeric and Algarbe, names which sound as if they had come from the East, to

take part in it. (Southey's *Common Place Book*, p. 341, third series.) We know that a district beyond the Jordan is called Amâry. But wherever the name came from, it used to be assumed by many important persons. Almeric was one of the grand masters of the templars, and Aimeri viscount of Thouars was a follower of the conqueror. Amaury de Montford took an active part in putting down the Albigenses. Almericus constabularius was one of the sureties for the earl of Flanders in his agreement with Henry II. Americus de Vesci was one of the captains of the famous Adam Gurdon (White's *Selborne*, p. 489), and finally it gave name to Amauri the king of Jerusalem in 1162, from which high source perhaps Almeric Pincerna derived his name. When once introduced, however, it became popular, spread far, and continued long in use. So late as 10 Richard II. Almericus le Botiller, who had no connection with the Warrington family, and Alice his wife enfeoffed John Saunders chaplain of half the manor of Grymmesbury in Northamptonshire (*Cal. Inq. p. m.*, p. 91), and in 19 and 20 Richard II. the same Almeric le Boteler, then become a clerk, was found still to hold these and other estates in Gloucestershire. (*Ibid.* p. 196.) When borne by a lady the name became softened into Almeria or Almerica, a name borne by the wife of Adam de Gurdon the long-lived knight before mentioned, and, thus softened and feminized, it became the name bequeathed by the illustrious Genoese to the whole of one continent, and to nearly half of the whole world.

In 1226, when he joined his father in witnessing the deed already mentioned, Almeric Pincerna must have been still very young, but young people were very precocious at that time. Prince John at 12 years old sailed with the army to Ireland. At the death of Almeric's father, the crown as usual called upon him to pay his relief, and we have this entry respecting it:

"Almeric Pincerna, son and heir of William Pincerna, made fine to the king for his relief of six knights' fees which his father William held of the king, and paid thirty pounds, for which earl de Ferrars and Hugh

Dispenser became his sureties, whereupon the sheriff of Nottingham was commanded to give the said Almeric seisin of such of the said lands as William, Almeric's father was seized of on the day of his death, and as were then in the said sheriff's bailiwick. Dated at Hereford 20 November 1233." (*Rot. Finium*, p. 251; *Pipe Rolls*, 18 Henry III.; and Thoroton's *Hist. Notts.*, vol. i. p. 192.)

This finding of sureties for payment of the young heir's relief seems to show that he was still a minor, and that for a time his estates passed into the hands of his sureties. He had been married however in his father's lifetime, and so, though his lands were withheld, his hand was his own and was not put up to sale as it might otherwise have been. His wife's name was Alina or Alicia, and she was probably a daughter of William Garnet, who, having survived her first husband Almeric, afterwards married Walter de Stanton. (*Testa de Nevil*, p. 398; Thoroton's *Hist. Notts.*, vol. i. pp. 191, 193.)

As the incidents in the life of Almeric Pincerna are but few, we avail ourselves of the opportunity to say something of the *Testa de Nevil*, a work to which we have already had occasion to refer, which gives an insight into the feudality of those times, and to which we shall have occasion to refer hereafter. In his *Antiquities of Coventry* Dugdale expresses an opinion that the book was compiled either in 1236 when the king's sister was married, or in 1242 when the Gascon aid was levied, or in 1245 when the marriage of the king's daughter took place; and a writer in the *Quarterly Review* tells us that it was the work either of Ralph Nevil an accountant of the exchequer in the time of Henry III., or of John de Nevil, or according to Morant of Jollan de Nevil of Weathersfield, a justice-itinerant in 1234 and 1240, and that it contains extracts or abstracts of the records relating to scutages and aids, to which additions have been made by other diligent compilers. He says too, that, as giving an account of the feudality of the thirteenth century, the work is valuable; though as it was intended merely as a book of gene-

ral reference for the use of the compiler's cotemporaries, many notices which would have been instructive to after time were necessarily omitted. (*Quarterly Review*, No. lxxvii. p. 57; Morant's *Essex*, vol. ii. p. 371; *Hist. Lan.*, vol. i. p. 280.) A part of the work however was certainly compiled as early as the time of king John, as the following notices (for which we are indebted to a late antiquarian friend) will clearly show. In the book we read thus: "Amongst the knight's fees in the county of Nottingham, Ranulph fitz Roger accounts for two knights' fees in Gamleston of the honour of Lancaster;" and then he adds: "Received four marks for the two knights' fees of Ranulph fitz Roger of the honour of Lancaster." (*Testa de Nevil*, pp. 20, 21.) Now the date of this event we are able to fix by this cotemporary record:

"Leodgar Grinbert hath letters patent of our lord the king of the presentation to the church of Mersey, now void and belonging to our lord the king, by reason of his wardship of the lands and heir of Ranulph fitz Roger, now in the king's hands, and as such, letters are addressed to the official of the lord archbishop of York. Witness the king at Windsor, 4th of April, in the seventeenth year of our reign." (*Rot. Lit. Pat. Joh.*, 174.)

Another subject which deserves our attention is the inquiry, what was the population of Warrington in Almeric Pincerna's time.

At the time of the Domesday survey the demesne of Warrington consisted of two carucates of land, and there was another carucate with eight men upon it. These we may suppose were so many heads of families, and if we add to their number sixteen others as occupying the other two, or twenty-four for the three carucates, and then multiply that number by five as the number of each family, we have 120 persons as the sum of the entire population of Warrington in the year 1086; and we shall not be wrong if we assume the population in the time of Almeric Pincerna, after an interval of 150 years, to have been 550 persons. There

was no bridge over the river, no market or fair in the town, and probably no great building but the lord's castle on the mote hill in which he and his chaplain and household lived, and the church with the rector's moated house which adjoined it. In the intervals of war the bulk of this population found their chief employment in agriculture, the few exceptions being bowyers and arrow makers, or working smiths, who could alternately fit up a plough, forge a shirt of mail, or equip the hunters or fishermen who catered for the lord's table. In what, we may ask, did the people find their amusements? The Church's holy-days, and more especially her greater festivals, gathered them together in numbers, when their spirits found an outlet in wrestling, leaping, running, playing at football, and other athletic sports; at Christmas they had the yule log, and at Whitsuntide there would be mumming and feasting in the lord's hall. But besides all these there were the two half-yearly gatherings at the wapontake, when arms were shown and exercised before the officers of the franchise, and which were great occasions of rejoicing. But these inhabitants of Warrington were not all freemen. Some of them were villeins, a sort of serf belonging to the landowners, who were either *regardant*, that is attached to the land or *in gross*, or at large annexed to the person of the landowner, and liable to be sold by him to whomsoever he pleased. They could not leave their master without his permission, and if they ran away they might be claimed and recovered like cattle. Onesimus, in Scripture, might have been reclaimed by his master, notwithstanding he had obtained a greater freedom than even his master could have given him. Some of them held small portions of land by way of sustaining themselves and their families, but they held such lands at the will of their owner, and he might dispossess them when he pleased. (Blackstone's *Comm.*, vol. ii. p. 92.) While the other servants received wages, they received no money but were paid in kind. In the accounts of a Cheshire steward in the time of Edward III., under the head of servants' wages we have the following entry: "They receive no

money, because every one takes half an acre of wheat and half an acre of oats in autumn for his year's wages." (*Eaton Charters.*) They were however protected in their life and limbs, *vitâ et membris;* but in many respects they did not differ in their condition from that West Indian slave whom, shortly before the passing of the emancipation act, her English master thus disposed of by his will: "I leave to Mary I. my negro girl named *Delia, and her issue, for ever*, and I direct the expense of her clothes to be borne by my estate." The sale of human beings into hereditary bondage was a very common occurrence in Almeric Boteler's time, as will appear from the following and many other instances which might be given. The abbot of Dieu la cresse especially seems to have been covetous to acquire property of this kind. Thus he had a grant from sir Robert Pulford of his three bond servants, Adam, William and their sister, with all their goods and issue.

Benedict de Midleton fitz William de Hest released to the same abbot Adam fitz Jordan de Middleton and his issue. William de Karleton released to him all the right he had in Adam de Henscip; and Alicia, daughter of William de Winequic, released to him Richard fitz Alan and all his issue. On the other hand, we have Gregory abbot of Whalley and his convent selling one of their bondmen his freedom for one hundred shillings, which was a large sum in those days. The clergy however, before the Reformation, were not insensible to the danger of thus holding their fellow men in bondage, and they so convinced the laity of its sinfulness, that by degrees most of the bondmen belonging to them were manumitted, and only those belonging to the abbots and friars, who had scruples of impoverishing their churches, remained. Of these however, very few continued in bondage at the Reformation, and the last claim of villeinage recorded in the books occurs in 15 James I. (11 Hargreaves' *State Trials*, p. 342.)

Almeric Pincerna may have joined the earl of Chester when the barons were threatening the king, or he may have lost his

life in some skirmish. At all events his possession of the estates was so very brief that we have hardly any incident mentioned in connection with him. As we have said before, he was witness to a deed in his father's lifetime, and he accounted for his relief after his death. This latter event occurred in November 1233, and before the 14th September 1235 he himself was dead. Either his name must have been popular or the record clerks were careless, for Dodsworth gives us two entries in his name in 26 and 35 Henry III.

The issue of Almeric and Alina were: (1) William fitz Almeric the eldest son, who succeeded him; and (2) Richard a younger son, who married Alicia Carleton, who seems to have held a fourth of a knight's fee of the honour of Lancaster at Galfi in Norfolk. (*Testa de Nevil*, p. 290.) He was founder of the house of Butler of Roucliffe, of which he had this grant from Theobald Walter, "Dño Ricardo Pincerna, *dilecto consanguineo nostro*, totam terram quam habuimus in Houtroutclive." This deed, which bore date 11th January 51 Henry III. 1265 (Dodsworth), was confirmed by Richard de Thornhill. (*Whalley Coucher Book*, vol. ii. p. 422, Chetham soc.) He was a benefactor to Cockersand, and gave it one Seward *Clericus* de Renton cum sequelâ. (*Hist. Richmondsh.*, vol. ii. p. 331.) He occurs amongst the witnesses to an undated charter of Robert Banastre to Robert de Samlesbury, who were "Dñus Willielmus le Botiller, Dñs Riĉs le Botiller, Riĉs Phyton senescallus de Makyrfield, Rogerus de Sankey, Wiłłs de Sankey, Gilbert de Sotheworthe, Roƀs de Whitefield clericus." (*Leigh MSS.*) And in another undated charter made between 1270 and 1280, "Dñs Willielmus le Botiller et dñs Riĉs le Botiller, *frater suus* milites," are two of the witnesses. (*Ibid.*) The lords William and Richard le Botiller, who are again expressly called brothers, witness the grant of Norbreck and Bispham to Dieu la cresse abbey about 1265 (Dugdale's *Monasticon*, p. 629); as they do also Richard de Olerton's grant of Gunolsmore about 1269; and, described in the same way, they witness the gift of lands by Ranulph fitz Michael and his wife to Cockersand. (Dodsworth's

MSS.) Richard le Botiller was not wholly disinterested in his gifts to Cockersand abbey, for in one of them he expressly adds: "In quâ me et sponsam meam et pueros meos receperunt." (*Hist. Richmondsh.*, vol. ii. p. 331.) He was witness to many deeds in the shrievalty of Richard de Hoghton about 1282 or 1283, but he was dead in 1284, and his wife was a widow. (Dodsworth.)

CHAPTER IX.

SIR WILLIAM FITZ ALMERIC PINCERNA, OR LE BOTELER, SEVENTH BARON.

SIR WILLIAM PINCERNA or Boteler, who was born about 16 Henry III. (1231), succeeded his father Almeric about September in 19 Henry III. (1235). Being under age when his father died his marriage and wardship with that of Almeric's other children having devolved to the king were purchased from him by William earl of Ferrars for the sum of 100*l.*, which was so considerable a price in those days as to lead us to suppose that the estates were large and the heir very young. The following writ on the subject, dated 4th September 19 Henry III., occurs on the fine rolls:

"The king to the sheriff of Lincolnshire. Know ye, that for a fine of 100*l.*, which earl William de Ferrars hath paid us to have the wardship of the lands and heir of Almeric le Boteler until their full age, with their marriage, we command you to give the said earl seisin of all the lands of the said Almeric in your bailiwick." (*Rot. Finium*, p. 28; *Pipe Rolls.*)

These are the particulars of the estates and their tenants:

In Eltham, Robert le Breton held one-fourth of a knight's fee under Almeric, who held it under the earl of Chester in capite de conquestu. (*Testa de Nevil*, p. 314.) In Bultham, the same Robert held another fourth of a knight's fee of the old feoffment of the honour of Lancaster. (*Ibid.* p. 326.) In Caskington in Lincolnshire Almeric held a third part of a knight's fee. (*Ibid.* p. 342.)

But afterwards, on the 22nd February 20 Henry III. (1236), when the contract of marriage of the king's sister Isabella to the emperor Frederic II. was signed (Rymer's *Fœdera*, vol. i. p. 223), the estates in Lincolnshire and Nottinghamshire in the earl's hands were reckoned up, and six marks instead of sixteen were paid for the Lincolnshire portion of them, for the arrear roll returns him ten marks in arrear (Dodsworth's *MSS.*); and of the Lancashire portion of them we have this further notice.

In Tyldesley, Henry de Tyldesley held a tenth part of a knight's fee of the fee of Almeric Pincerna, which he held of the fee of earl Ferrars, and he in capite of our lord the king. In Culcheth, Gilbert de Culcheth held a third part and also a tenth part of a knight's fee of the same fee. In Rixton and Astley, Alan de Rixton held one-fifth of a knight's fee of the same fee. In Atherton, William de Atherton held one-third of a knight's fee of the same fee. In Sankey, Robert de Samlesbury held one-tenth of a knight's fee of the same fee. In Penketh, Roger de Sankey held one-twentieth of a knight's fee of the same fee. In Hoole, Halsall and Windhull, earl Ferrars held a third part and also a twentieth part of a knight's fee of the same fee. In Lydiate and Egargarth, William de Waleton and William de Lydiate held one-tenth of a knight's fee of the same fee. In Ince and Barton, Richard Blundell held one-third of a knight's fee of the same fee. In Thornton, Adam de Molyneux and Robert fitz Robert held one-fifth of a knight's fee of the same fee.

And we read further in another place (*Testa de Nevil*, p. 396):

In Laton, the heir of Almeric Pincerna held one knight's fee in his demesne in capite of our lord the king.

And again a little further on, amongst the fees of the honour of Lancaster, we read:

In Eltham and Bultham (Lincolnshire), Robert le Breton held one knight's fee of the fee of the heir of Almeric Pincerna, and he of earl Ferrars, and he in capite of our lord the king. (A charter fixes this Robert as living between 1236 and 1242 *Penwortham Priory*, p. 11, Chetham soc.). In Hengham, Henry

and Simon de Fillingham held one knight's fee of the fee aforesaid. In Hengham, Richard de Croxton held half a knight's fee of the fee aforesaid. In Hengham, Jordan de Insula held half a knight's fee of the fee aforesaid. In Newbold, John de Vilars held one knight's fee in Newbold of the fee aforesaid. In Crophill in Nottinghamshire, Walter de Stanton and Alina, late the wife of Almeric Pincerna, held one knight's fee of the fee aforesaid.

And then amongst the fees of the honour of Lancaster, within the body of that county, we have one knight's fee of the heir of Almeric Pincerna (which was no doubt Laton), and two other knights' fees of the fee aforesaid (which were no doubt the fees in West Derbyshire). (*Testa de Nevil*, pp. 398, 400.)

On the 9th September in 20 Henry III. (1236) the king allowed William Pincerna time for the repayment of the seven marks advanced to his [grand]father in Ireland in the time of king John, and he was not to be required to repay the money except at the rate of one mark a year until the whole was repaid, and he was to commence paying it at the ensuing Michaelmas. (*Rot. Finium*, vol. i. p. 311.)

In 22 Henry III. (1238) William Pincerna paid six marks, which were probably his proportion for his three Lancashire knights' fees towards some royal aid. (*Pipe Rolls*; Thoroton's *Hist. Notts.*, vol. i. p. 191.)

In 26 Henry III. (1241) Almeric Pincerna (meaning of course his heir) is returned as in arrear xx^{s} for half a fee left unpaid of the Gascon scutage. (*Gascon Roll*, quoted by Dodsworth.)

In 27 Henry III. (1243) the heir of Almeric (or Mauricius as Dugdale in his *Warwickshire* calls him by mistake) was certified to hold half a knight's fee in Warwickshire. (*Close Rolls*, 2*m.*)

In 29 Henry III. (1245), on the marriage of the king's daughter, we have the following entry:

"William le Boteler holds viii. knights' fees in Crophill, and v. carucates in Becunsall, Neubold, Trafford, the half of Owthorp, Hole, Calverton, and iii. carucates in Ince, and iii. bovates in

Barton, x. whereof make a knight's fee, and ii. carucates in Thornton and Halsall, x. whereof make such a fee, and i. carucate in Rixton, i. carucate in Atherton, and i. carucate in Sankey.

"Of the aforesaid eight fees William Pincerna holds iii. in Lindesham; whereof Robert fitz Richard holds i. fee in Croxton and Fillingham and Hingham, Robert Brito half a fee in Heneworth and in Eltham and Bultham, Henry fitz Radulph i. fee in Fillingham, William fitz Winnoc half a fee in Hingham.

"The heirs of the lord Almeric Pincerna hold ii. fees in Werinton and Laiton, *ex antiquo;* in Crophill and in Newbold ii. fees, *ex antiquo;* in Croxton and in Bulltham and Fillingham ii. fees in Lincolnshire." (*Testa de Nevil*, p. 408.)

In 30 Henry III. (1245) when an aid was levied to marry the king's eldest daughter, William Pincerna paid viii^{li} for his eight fees (Dodsworth's *MSS.*); and in 32 Henry III. (1247) he paid cxviij^{s} for another aid levied for the same purpose. (*Rot.* xix., Dodsworth's *MSS.*) It seems probable that both these aids were the same, and that the first payment was for William's own fees, and the other for money collected by him from others.

In 34 Heny III. (14th November 1249) Roger de Montalt granted to William the prior of Coventry and his convent all his right and claim to or in the manor of Coventry, except the homages and services of Hugh Dispensator in Loughborough, Radulf de Bracebrig in Kynnesbury, and William le Boteler in Exhale and Folkeshill. (Sir Peter Leycester's *liber C.*, p. 26.) The castle at Cheylesmore at Coventry was inherited by the earls of Chester from the ancient governors of Mercia (Dr. Ormerod's *Genealogical Essays*, p. 41), and Roger de Montalt derived his interest in Coventry from the earls of Chester. (Dugdale's *Warwickshire*, p. 86.) It is plain from this that our Warrington Botelers derived from the same earls their interest in Exhale and Folkeshill, of which the mention occurs here for the first time.

In the year 1252 William Pincerna or le Boteler came of age. In the same year William de Newton fitz Richard de Bispham granted to the abbot of Dieu la cresse a license to wash his sheep

from Rossal in Little Bispham mere, for which he probably required William Pincerna's consent (*Whalley Coucher Book*, Chetham soc.), and William Pincerna himself granted the same abbot turbary in Angele moss. (*Hist. Leek*, p. 221.)

In 38 Henry III. (1254) William le Boteler was attached (at law) to answer Roger de Heton in a plea of trespass for breaking his close, and entering the said Roger's turbary in Brun (Bryn) in Lancashire, and there throwing into a pit the turves which Roger had cut and gathered, and also ill-treating his men. (*Abbreviatio Placitorum*, p. 142.) This act of William's, which was no doubt intended to assert a right to the turbary, was not a dignified proceeding if he was personally concerned and took part in it. He however denied the plaintiff's right, but we are not informed how the suit ended.

In 39 Henry III. (1255), when the king levied an aid to make his eldest son a knight, William Pincerna paid xvi^{li} or two pounds a fee for his viii. fees towards this aid, or *benevolence* as it was sometimes called. (Dodsworth's *MSS.*)

In the same year William le Boteler obtained the king's charter to hold a three days' fair yearly at his manor of Warrington, on the eve, the day and the morrow of the translation of St. Thomas the martyr, then a very popular saint. It is not often that we know the price paid at that early time for such a charter, but we *do* know what this cost, for we read that William le Boteler paid into the king's wardrobe half a mark of gold to have a charter for a fair at his manor of Warenton ; that is, he paid what was afterwards called a noble, which contained more gold than a modern sovereign, at a time when gold was relatively of far more value than it is now. (*Abbrev. Rot. Orig.*, p. 16, 40 Henry III.) But in 9 Henry III. Richard Grelly paid a higher price for the same privilege, for he gave the king v. marks and a palfrey for holding a fair at Manchester. (Ware's *Foundations of Manchester*, vol. i. p. 21.)

By another charter of 39 Henry III. William le Boteler, called by mistake in the charter *Robert le Boteler*, had a grant of a

weekly market on Wednesday, and a yearly fair of three days on the eve, the day and the morrow of St. Andrew at Laton. (*Cal. Rot. Car.*, p. 86.)

On the 17th June 40 Henry III. (1256), the lords William and Richard Pincerna, the two brothers, were witnesses to an agreement made at Lancaster assizes respecting Clifton marsh; and in the same year, when all those who had xv^{li} a year in land were called upon to take upon them the order of knighthood, William le Boteler no doubt received the knightly accolade, and became thenceforth sir William le Boteler. (Matthew Paris.) About this time sir William le Boteler, calling himself baron of Warrington, acquitted the monks of Whalley from the payment of all tolls within his manor of Warrington. (*Whalley Coucher Book*, vol. i. p. 254, Chetham soc.) And about the same time he was witness to one of the deeds printed in the same volume, (p. 44.)

Near the parish church of Warrington there formerly stood an oval mound, flat on the top, and in its character resembling one of those mounds called "broad barrows." It was raised only three yards above the surrounding field, but it appeared to stand higher owing to the trench or watercourse which ran along the south and west sides, on the outside of which there was an earthen vallum. Across the top from east to west the mound measured fifty-four yards, and from north to south forty-three yards. Bertram of Risingham, a hero mentioned in sir Walter Scott's *Rokeby*, cites a similar mound as existing there, which made the place remarkable. These are his words:

> "And near the spot which gives me name,
> The moated mound of Risingham."

The Warrington tumulus, which was called the Mount or Mote hill, and was quite as remarkable among the local curiosities, was obscure in its origin, and did not fail to engage the speculations of the learned; none of them however ascribed to it the rites which were associated with the mound at Hawick.

"The moated mound
Where Druids' shades still flitted round."

Pennant, an early traveller and an antiquary of authority in his day, thought the mound was undoubtedly Roman, and that it had been a speculatory mount, an opinion to which some other earlier observers subscribed. The late venerated vicar of Ashton-in-Makerfield, the reverend Edmund Sibson, concluded that it was a funereal barrow, and that it had been raised over the remains of the good king Oswald, who was well known to have had a palace at Winwick, and to have fallen in defence of his territory (*Hist. Lan.*, vol. iii. p. 580); and the same idea has found favour with an esteemed townsman of Warrington Dr. Kendrick, though he thinks that it was Oswald's nephew Elvin, a Northumbrian prince who fell in battle with Ethelred king of Mercia in 679, whom the mound was meant to honour. (*Excavations at the Mote Hill* by Dr. Kendrick, p. 11.) Mr. Whitaker the learned historian of Manchester ascribed a Saxon origin to the place, and thought that it was called "the mote hill" from having been the seat where the hundred court of Walintune administered justice. Mr. Kenion an antiquary of the last age was of opinion that it was raised by the Normans, and was the lords' ballium. Dr. Ormerod, who erroneously supposes that a part of the priory of Warrington stood on the spot, states his opinion that the origin of the hill was either Norman or mediæval, and that the baron of Warrington had his seat there. (*Hist. Ches.*, vol. i. p. 447 and note [e].) Some credulous persons have very wildly asserted that the mound was originally thrown up as a bank from which to batter the church in Cromwell's time, and that it had no earlier origin than those troubled days; while others, with no more foundation for it, affirm that the church originally stood there until like "Loretto," though after a very much shorter journey, it was miraculously removed thence to its present site. We are told by a learned historian that in Norman times "there were some castles of which the chief defence was the water with which they were inclosed and which being

placed on low grounds, which had running streams in abundance, and were called motæ, from which we derive the word moats." (Littleton's *Henry II.*, vol. iii. p. 287.) There was water enough and more than enough about the mote hill at Warrington to deserve this title, for one part of the field was so soft and spongy and so much like a quagmire that the credulous old farmer who rented it used to say, apparently with a firm belief in its truth, that a coach and six once sank in it and was seen no more!

In the year 1832 an inroad was made upon the mote hill by building "the clergy school" upon part of its site. During the progress of the work there were found the foundations of the four corners of a structure which had formerly stood there, and some large balks of black oak four or five yards long and fourteen inches square, all rough hewn and tool marked, which had once probably formed the draw-bridge or gateway of a house.

There was also found a large quantity of ashler stones, which might have formed the foundations of such a house as that described by Leland the royal antiquary, and which according to him was the character of a Lancashire house in his day. "Morley" he says "is builded, saving the foundation of stone squared that riseth within a great moat six foot above the waters, all of the timber after the common sort of houses of gentlemen for most part of Lancashire." (*Hist. Lan.*, vol. iii. p. 601; quoting Leland's *Itin.*) Of all these opinions on the origin of the mote hill none seems more probable than Dr. Ormerod's — that it was the seat of the baron's castle or mansion; and accordingly we conclude that here, on a spot which commanded the ferry, Paganus de Vilars, Roger of Poictou's first grantee, not long after the Conquest, when the country was disturbed and the ferry an important pass, planted the castle in which he and his successors for some time made their abode. To this mansion on the mote hill was, it is almost certain, attached the park mentioned in a contemporary Warrington charter of William Pincerna to Henry Sankey, which describes the park as being within these bounds, that is to say,

"as the ditch stretches to the way on the bank of the Mersee, and then comes up the ditch to the park hey, and so following the hey to the bounds of Bruche and Werinton and then following the boundary as far as the land of St. Mary of Kokersont, and from thence to the way and ditch aforesaid." (*Hale Deeds.*) A part of this park, which has now resumed its old name though it wants its former antlered tenants, is called St. Elfin's park. In the reign of Henry III., when owing to the erection of the bridge the ferry had become less important, and the barons of Warrington far more important, some calamity probably befel their ancient house on the mote hill, for in building the clergy school there was found a mass of burnt earth very brittle like red brick clay, and much charred material, with a quantity of melted lead and iron which had evidently been fused by a very strong heat such as might have been expected after a great fire, and it seems probable that the baron's house had perished in some conflagration. As if to mark more exactly the date of this fire there was found in the ruins a silver penny of king Henry III. The tradition of the Boteler house having stood on the mote hill long survived its fall, for a paper compiled in the time of James I., referring to the mote hill, informs us that "the site of the manor or barony of Warrington is decayed and no manner of buildings thereupon." (Lord Lilford's *Papers.*) Out of the fall of the house on the mote hill however there arose, phœnix-like, a nobler mansion on a better site — the historic house of Bewsey. In those times men had a fondness for giving foreign names to their houses, and to this propensity, a relic of Norman times, we owe such names as Beaupré, Beauvoir, Beauchamp, Beaulieu, Beaumaris, Beauley (now Bewley); Beaurepair Beausert (now Leighton *Buzzard*), Beaufoy, Belhus, Belgrave, Beaugenet (now Bewgenet), Belsay a castle in Northumberland, Beausey or Bewsey and Chateau Vert (which is now Shotover). The baron's new abode was called Beausey or the fair seat, to intimate that it was well placed and its situation beautiful. Some part of its recommendation however was probably owing to the favourable

comparison it bore to the site of the old mansion on the mote hill. When William Pincerna became deputy to Patricius de Ulceby as sheriff of Lancashire in 1256 he is expressly called Willielmus Pincerna de Bewsey, and this is the first time that the name of that mansion is met with. (Gregson's list of sheriffs in his *Fragments*, p. 299; and *Hist. Lan.*, vol. i. p. 203.)

On the 6th February 43 Henry III. (1259), a still higher dignity awaited sir William Boteler, for the king then constituted him not only governor of the honour and castle of Lancaster, but also high sheriff of the county, all of which were committed to him by a writ in the following form:

"We command all our sheriffs of counties within which any part of our honour of Lancaster is situate, that they neither hinder, nor in any wise suffer to be hindered, in the keeping of the said honour, William le Boteler, our keeper of the same, but that by himself and his bailiffs they suffer him to keep the said honour, and to do whatever thereto belongs, we having committed to him the keeping of the said honour with the whole county of Lancaster to hold during our pleasure, he answering to us for all such issues of the said honour as the baron of the same honour would have to answer for, if the same were in his hands, saving to the sheriffs all distresses in the said honour for the debts due to the king." (Orig., fol. 173; Dodsworth's *MSS.*, vol. cxxii. DD., and cxxiv. fol. 140.)

Robert fitz Gilbert de Wynewyk about this time gave Richard le Boteler half an acre of land in Eccleston on Wyre, and his brother William le Boteler, who was still the high sheriff, was a witness to the gift. (Dodsworth's *MSS.*) About the same time also there seems to have occurred at Warrington, in an action to recover land, another of those curious trials by duel or *wager of battle* in which the two champions seem actually to have met and fought it out. The entry of it which has come down to us, and which is only too brief, is as follows: "Duellum percussum apud War', Petrus de Burnehill, et hæredes sui teneant, cc. acras terræ in Pemberton, f. iii." (Dodsworth's *MSS.*, vol. cxxiv. pp. 166, 209.) We do not know what was the result of the combat nor whether

either of the champions was killed, or if not killed whether he cried the hated word "Craven." But the Burnhills, who were parties to it, were long famous in the neighbourhood. One of them, Peter de Burnhill, occurs in a lease to Salley abbey as early as the year 1200 (*Hist. Salley Abbey*, p. 5), and the name continued here until the reign of Edward II. William Pincerna seems to have held the shrievalty for two years, for in 44 Henry III. he received from Geoffrey Chetham, the king's farmer, half a mark for having a writ of assize (Dodsworth's *MSS.*), and in the same year when the scutagium Walliæ was assessed at xl^{s} William was excused paying for his eight fees probably because he was sheriff. (*Ibid.*)

After the death of Randle Blundeville earl of Chester in 17 Henry II. (1232), William earl Ferrars, through his marriage with Agnes earl Randle's sister and coheir, acquired her share of the earl's estates, and paid her relief; and the next year he had livery of her purparty, consisting of all the lands between the Ribble and Mersey, for which he became bound to render to the king's exchequer one goshawk, or pay xl^{s} in lieu of it, from which alternative we may learn the high price then set upon that bird.

The owners of franchises in old times, unable wholly to forget the ancient Saxon freedom which clung to the soil, were constantly transgressing their privileges. In the reign of Henry II. the borough of Preston was amerced v. marks for putting a man to the water ordeal without warrant (*Litt.* vol. iii. p. 224), and in 26 Henry III. (1242), the three wapontakes of West Derby, Leyland and Salford, having been seized into the king's hands for some excesses of the earl's bailiffs, were only restored after the payment to the king of a fine of c^{li}.

Earl William Ferrars, who besides being the owner of West Derbyshire was earl of the county of Derby, was succeeded in his honours and estates by his son of the same name, who in 1251 procured a grant of free warren in very many of his Lancashire manors, amongst which was Burtonwood. When this

second earl William, who was gouty and unwieldy in his person, met his death by being overturned from his chariot in passing over St. Neott's bridge, Huntingdonshire, in the year 1254, he was succeeded by his eldest son, Robert Ferrars lord of West Derbyshire, who being under age was doubtless disposed of during his minority to some great man, for a large sum of money. Simon de Montfort we know paid 10,000 marks, equal to 100,000*l.* of our present money, to have the custody of the lands of Gilbert de Unfranville.

This earl, who was William Pincerna's feudal superior, came of age in the year 1259, and to him William Pincerna owed the site of his new house at Bewsey, the first footing of the Botelers in Burtonwood. About this time we may date the settlement of the Austin hermit friars at Warrington, who probably owed to William Pincerna the first foundation of their house.

About the year 1260 William Pincerna, or as the grant calls him "William le Boteler," obtained from earl Ferrars a grant of all his hey or enclosure of Burtonwood — "totam hayam de Burtonwode, in West Derbisir."—with vert and venison in all the earl's woods and lands in Sankey, Penketh and Dallam for himself and his heirs, except Jews and men of religion, "*exceptis Judæis et viris religiosis*," meaning by the latter the regular clergy, subject only to the payment of a penny a year for all services. (From the original in lord Lilford's possession.) Our ancestors were no strangers to the crime of forgery as we have evidence in this charter, which has been altered throughout by clumsily changing the word "hayam" into "manerium;" but the falsifier not having known the difference in gender of the two words, his ignorance has proved an antidote to the mischief of his intention.

But besides this grant of the hey or enclosure in Burtonwood, Robert earl Ferrars granted to William le Boteler the homage and service of Richard de Halsale for his lands in Halsale, and the homage and service of William de Bolde for his lands in Bolde, and the homage and service of Alan de Wyndhull for his

lands in Wyndhull, with all wardships, marriages, reliefs, rents, escheats, services, customs and advowsons of churches, subject to his doing suit of court at the earl's wapontake of [West] Derby, and paying 10*s*. rent-service for Bolde. And by the same charter also the said earl released to William le Boteler all claim to any suit from him at his wapontake of [West] Derby in respect of his manor of Weryngton.

Under date of the 16th May, 45 Henry III. (1261), we have the following charter, which curiously enough informs us that 40*s*. was the price then paid for the purchase of a house in Warrington, and that Henry de Tyldesley was then the name of the lord's seneschal or steward there:

"Know all men by these presents, that I, Jordan fitz Robert de Hulton, [he was then, or had been lately, rector of Warrington] have given and granted to Roger de Hopton and his heirs, for his homage, the burgage in Werinton, which I bought from William Pincerna *pro xl*^{s}. Testibus Hen. de Tyldeslegh, tunc senescallo [de Werinton?] Rob'to de Sammesbury, Rob'to de Quitfeld. Datum apud Werrinton die Lunæ p̃x. ante festum beati Dunstani a. r. R. Hen. III., 45, 1261." (Dodsworth's *MSS.*)

In the year 1255 when the king had confirmed the great charter, the assembled bishops and abbots carrying burning torches in their hands, at the conclusion of the ceremony dashed them to the ground, and as the fumes of the dying flames ascended they uttered dire maledictions on whoever should dare to infringe the charter; but, although the torches soon went out, this dramatic incident did not quench the general dissatisfaction of the nation with the king's government. Having again had recourse to his favourites and again violated the charter, he so disappointed the expectations he had held out that one of his ambitious nobles, Simon de Montfort, who had married his sister and become earl of Leicester, was encouraged openly to oppose him. He was followed by a combination of the nobles which ended in what was termed the barons' war, which dis-

turbed the kingdom until the battle of Lewes was fought in the year 1264, and the king became the prisoner of de Montfort. In the following January de Montfort called a parliament, which was afterwards named "the mad parliament," in which, for the first time in our history, the knights of the shire and burgesses were summoned to take part in the proceedings with the barons. If by this act, which in reality gave birth to the house of commons, he intended only his own aggrandisement, we may say of him as was said of James II. that he was one of the best friends without intending it that England ever had. Parliament however could not extinguish the civil strife while de Montfort lived; but on the 5th August in the same year, the armies of the king and de Montfort again encountered at Evesham, and, de Montfort being slain, the war was ended. Ambition had so mingled with de Montfort's aims that he had been but an uncertain friend of the people. He had favoured the clergy however and made some pretences to religion, on which account, being thought to have died a martyr, he obtained the usual fate of political martyrs in that age, and was canonised by the people and became St. Simon the Righteous. After his death pilgrimages were made to the place where he fell, and there and elsewhere miracles were wrought in his name. At Warrington he was held in especial honour, and no less than five of his miracles were wrought upon Warrington persons. (Rishanger's *Chronicle*, pp. 74, 75, 80, 90, 94, and Dr. Kendrick's contributions to the *Early History of Warrington*.)

After the battle of Lewes, without waiting for his death, his praises had been loudly sung in Latin,* and after his death the

* We take the following from a long and interesting Latin poem, written shortly after the battle of Lewes in May 1264 (*Political Songs of England*, Camden soc.):

"May the Lord bless Simon de Montfort, and also his sons and his army; who exposing themselves magnanimously to death, fought valiantly, condoling the lamentable lot of the English, who, trodden under foot, in a manner scarcely to be described, and almost deprived of all their liberties, nay, of their lives, had languished under hard rulers, like the people of Israel under Pharaoh, groaning under a tyrannical devastation. But God, seeing this suffering of the people, gives at last a new Matathias, and he with

literature of the day abounded with his praises both in French and English. Amongst the rest this notice of him occurs in a French eulogium:

"Ore est occys le fleur de pris
Que tant sçavoit le guerre
Le Comte Montfort sa durement
Moult en plorra la terre."

"Now fallen is the flower of Price,
Of war the guiding star,
Earl Montfort fell a sacrifice,
The realm shall mourn him far!"

And the later ballad of "The Beggar of Bednal Green" shows how long-lived was the posthumous popularity he enjoyed:

"Sir Simon de Montfort my subject shal be,
Once chiefe of all the great barons was hee;
Yet fortune so cruell this lord did abase,
Now lost and forgotten are hee and his race.

When the barons in armes did king Henry oppose,
Sir Simon de Montfort their leader they chose;
A leader of courage undaunted was hee,
And oftimes he made their enemyes flee.

At length, in the battle on Evesham plaine,
The barons were routed, and Montfort was slaine;

his sons, zealous after the zeal of the law, yields neither to the insults nor to the fury of the king. * * * Let the English learn to call in strangers, if they wish to be exiled by strangers. For these, when they wish to enlarge their own glory, and wish their own memory to stand always, study to associate with themselves very many of their own nation, and by degrees to make them the principal nobles; and thus grows the confusion of the natives, with indignation and bitterness of heart, when the chief men of the kingdom feel themselves to be beaten down by those who make themselves their equals, taking from them the things which ought to appertain to them, growing by the things by which they used to grow. * * * Such men [foreigners] when they begin to grow, always go on climbing till they have supplanted the natives; they study to avert the prince's heart from his own people, that they may strip of glory those whose ruin they are seeking. And who could bear such things patiently?"

Most fatal that battal did prove unto thee,
Thoughe thou was not borne then, my pretty Bessee.

Along with the nobles that fell at that tyde,
His eldest son Henry, who fought by his side,
Was felled by a blowe he received in the fight;
A blow that deprived him for ever of sighte.

Among the dead bodyes all lifelesse he lay
Till evening drewe on of the following day,
When by a yong ladye discover'd was hee,
And this was thy mother, my pretty Bessee.

A baron's faire daughter stepte forthe in the nighte
To search for her father who fell in the fighte;
And seeing yong Montfort where gasping he laye,
Was movéd with pitye and broughte him awaye.

In secret she nursed him and swagéd his paine,
While he through the realm was believed to be slaine;
At lengthe his faire bride she consented to bee,
And made him glad father of pretty Bessee."

(*Percy Reliques.*)

Simon de Montfort as the popular leader, to whose side earl Ferrars William le Boteler's superior lord inclined, stood high in favour at Warrington. His arms were placed prominently in the friary church. His death was greatly lamented, and pilgrimages were made from Warrington to the place where he fell, and it can hardly be supposed that William le Boteler who had fought under his banner did not sympathise in his fall.

The times were out of joint; the barons' wars were now raging, and this part of Lancashire especially seems to have been a scene of violence and confusion. Churches were not safe from intrusion. Parties of marauders took possession of those of Leigh, Bury and Winwick, and unable to hold their own the clergy were compelled to invoke the aid of the civil power. On the 29th January 1264 Roger bishop of Litchfield and Coventry being appealed to, and finding the Church herself all too weak

to subdue the offenders, wrote a supplicatory letter to the king imploring his aid against those who had thus violently intruded themselves into the above churches. (*Fifth Report of the Commissioners of Public Records*, p. 66.)

The religious house of Thurgatton, which had before experienced the bounty of the Vilars and the Botelers, thought a time of danger more likely to open the heart of their patron to devotion, and that a warrior putting on his armour would lend a more ready ear to an appeal from the Church than he who was putting it off, and they therefore now applied to sir William le Boteler and obtained from him these three charters of confirmation. The first, which was a confirmation of a grant made to the house of Thurgatton by Peter the cook of lands held under the Botelers, was as follows :

"To all to whom these presents shall come William Pincerna de Werington sends greeting. Be it known to you all that with the consent and free will of my heir I have given, granted, and by this my present deed have confirmed, to God and the church of St. Peter at Thurgatton and the canons serving God there, one toft with a croft in the vill of Crophill, that is to say, the same which Peter the cook held, and also one acre of land in a place called 'the Cortis' in as free, pure and perpetual alms as any alms could or might be given for the health of my soul and of my wife Dionysia's, and of all my ancestors and heirs. In testimony," &c. (Translated from the copy of the original in the *Thurgatton Register*.)

The second which, like the former, was a confirmation to the same house of two grants of land held under the Botelers, was as follows :

"To all to whom these presents shall come, William le Boteler son of Almeric le Boteler sends eternal greeting in the Lord. Know all of you that by this present charter I have granted and confirmed to the prior and convent of Thurgatton two bovates of land, with a croft and all their appurtenances, which the said prior hath by the gift of Walter de Stanton, and one bovate of land which he hath by the gift of William de

Leik, to have and to hold as far as concerns me or my heirs, to the aforesaid prior and convent and their successors in free, pure and perpetual alms for ever. In testimony," &c. (Translated from a copy of the original in the *Thurgatton Register.*)

Like the two preceding charters the third was also a confirmation, but it was a charter confirming a former grant to the house of Thurgatton by one of sir William le Boteler's ancestors, and it was as follows:

"Be it known to all the sons of Holy Mother Church that I William, moved by a divine impulse of charity "divinæ pietatis intuitu," and for the health of my soul, the soul of my wife Dionysia and of the souls of all my ancestors, have granted, and by this my present charter have confirmed, to God and the Church of St. Peter at Thurgatton and the canons serving God there, the church of Werington with all its appurtenances, and the church of Titheby with its chapel of Crophill and all other its appurtenances, and that carucate of land which the lord Mathew de Vilars my gradfather ("avus meus") gave them in his demesne in the vill of Crophill, with the rest of the reasonable gifts which the aforesaid lord Mathew gave and granted and by his charter confirmed to the aforesaid canons. These being witnesses," &c. (Translated from the original copy in the *Thurgatton Register.*)

It is observable that William le Boteler in this charter calls Mathew de Vilars his grandfather instead of his ancestor. The mistake probably originated with the scribe who, in writing the charter, copied part of it from an older confirmation by William's grandfather of his own name, who was really the grandson of Mathew de Vilars. It was so very much the custom to obtain a confirmation from each successive heir of the donor that a careless scribe, finding an earlier charter of a Boteler to the same house, might easily mistake one William for another.

In 49 Henry III. (1264) the two brothers (lords William and Richard le Boteler), both of them knights, were witnesses to a grant of the manor of Magna Hole to Warin de Waleton. (Dodsworth's *MSS.*)

When Robert earl Ferrars joined the party of Simon de Montfort at the siege of Worcester, William le Boteler his liegeman, led rather by an affection for his leader than by any sense of duty, followed under his banner, which may account for our meeting with fewer and more scanty notices of him at home at this time. After the battle of Evesham however, where we have no reason to suppose that either he or earl Ferrars was present, the estates of William le Boteler were seized into the king's hands, and he himself lay at the king's mercy until he found friends who succeeded in making his peace: shortly after which the sheriff was commanded to restore him his lands which had been seized into the king's hands in consequence, as it is said, "of his having taken part with the rebellious barons." (Dugdale's *Baronage*, p. 653; *Hist. Lan.*, vol i. p. 201.)

But notwithstanding the confusion of the times and the peril in which his own life and fortune had so recently been, William le Boteler found an opportunity at this time to remember and reward the services of his family jester. "Wamba the son of Witless," in his cap and bells and motley, was a recognised person in every feudal hall, where by his colloquial wit he helped to dispel the dulness of many an hour and well entitled himself to a reward. On his jester Hitard, Edmund Ironside conferred the manor of Walworth. Berdie the "joculator" of William the Conqueror received from him three townships in Gloucestershire; and king John, no lavish giver, bestowed Fons Ossane in Montaign on Piculph his buffoon. (Ellis' *Specimens of Metrical Romance.*) And now William le Boteler, by his deed dated at Warrington, granted to William Silche his fool ("fatuo suo") seven acres of land in Sankey (lord Lilford's *Deeds*), a gift which, when compared with similar gifts by the above royal donors, was worthy of the lord of Warrington.

On the 5th February 50 Henry III. (1266) William le Boteler with Robert le Banastre and six others were witnesses to the inspeximus of Robert earl Ferrars confirming to the burgesses of

Liverpool the charters granted them by kings John and Henry III. (Baines' *Hist. Liverp.*, p. 111.)

About this time also William le Boteler, in consideration of forty marks, granted to Hugh de Hindley the marriage of all Gilbert de Culcheth's heirs; and very shortly afterwards Robert fitz Hugh de Hindley and Ellen his wife, and Richard, Thomas and Adam his brothers, divided Culcheth between them, Robert taking Risley as his share, and to this last transaction William le Boteler was one of the witnesses. (*Culcheth Deeds.*)

Between the years 1189 and 1199 Richard fitz Roger founded a cell at Lytham to be subject to the priory at Durham; and now, by a deed dated at Lancaster on the 18th March 1268, William the son of Almeric le Boteler the owner of Laton, which was near Lytham, released and for him and his heirs for ever quit-claimed to God and St. Cuthbert the prior and convent of Durham and the monks serving and to serve God at Lytham for ever, all the right and claim he had or might have in all the land, pasture and woods, or any croppings of the same, by reason of any customs or any other title within certain bounds of Lytham which appear in the charter of Richard fitz Roger and which they have from him. Moreover he also willed and granted for him and his heirs that the aforesaid prior and convent and the aforesaid monks of Durham should have and hold all that moiety of the whole pasture and moss called Keligīmmoles,* with all the appurtenances and emoluments which might at any time or in any manner arise therefrom, either by the agistment of cattle or other profits, and that they should wholly enjoy a moiety of all wrecks occurring anywhere on the shore of the aforesaid Keligīmmoles. He also granted that the men of the prior of Lytham should have free ingress and egress and right of passage in, through and out of the said pasture as far as the sea, but so that the men of the said William and his heirs in Laton should also enjoy the same ingress, egress and right of passage. This

* Kellermergh in Kirkham parish.

deed was witnessed, among others, by the lord Richard le Boteler then high sheriff of the county of Lancaster, William le Boteler's brother, and by the lord Michael de Furneys. By the release of these lands, which had probably been acquired by his grandfather on his marriage with Ada de Furneys, William le Boteler became a benefactor and almost a second founder of the cell of Lytham.

A few years after the grant of the Haya de Burtonwode Henry de Lostock and Johanna his wife, the assignees of Robert de Ferrars, "assignati R. de Ferrariis com. Derby," released and quit-claimed to lord William le Boteler all the arrears which he owed to the said Robert for the purchase of Burtonwode, and which the said Robert had assigned to the said Henry and Johanna. As the rent of 1*d.* continued to be paid long after this time, and is noticed in all the subsequent inquisitions, it seems probable that this release was meant to apply to some part of the purchase money of Burtonwood which had been left unpaid. (Kuerden's *MSS.*)

CHAPTER X.

WILLIAM FITZ ALMERIC LE BOTELER, SEVENTH BARON, CONTINUED.

WILLIAM LE BOTELER it would seem was possessed with the very natural desire to re-acquire from the house at Thurgatton the advowson of the church at Warrington, the head of his barony. He had shown himself a good friend of Thurgatton by confirming its charters, and by many other benefits which he had conferred on it; and having negotiated with the house for this not unreasonable return for his bounty and settled the price, he obtained from the convent the following charter of reconveyance:

"To all the faithful in Christ who shall see or hear this writing, brother Adam prior of Thurgatton and the convent of the same send eternal greeting in the Lord. Be it known to you all that by the common consent, good will and assent of all our chapter we have granted, released, and for ever quit-claimed for us and our successors as to our chief lord William le Boteler the son of Almeric Boteler, one acre of arable land in Crophill fields lying upon Hichtrop in our demesne, together with all our right to the advowson of the church of Warrington and its liberties and appurtenances, without any reservation. To have and to hold to the aforesaid lord William, his heirs and assigns, against us and our successors for ever as freely and quietly as any of our predecessors held them, and so that neither we nor our successors nor any in our name shall or may hereafter in anywise claim to have any right, claim or demand in the said land or right of advowson of the aforesaid church. In testimony," &c. (Translated from the original in the possession of lord Lilford.)

Adam de Sutton continued prior of Thurgatton several years, and was still prior in 1270. (Tanner's *Not. Monast.*, 1744, and the list at the end.) Richard le Boteler the brother of sir William le Boteler was one of the witnesses to this charter. Since the charter of Mathew de Vilars the rectors had been appointed by the house of Thurgatton, but henceforth the Botelers had the appointment to the living of Warrington.

Earl Robert Ferrars, who was only 14 when his father died, had been married when 9 years old to the king's niece Maria, daughter of the duke of Angoulême and Marche. On the death of his father the king took possession of his lands and bestowed them during Robert's minority on his son prince Edward, who afterwards assigned them to his mother queen Alianor. What such a wardship was worth we may judge from the price at which the king, as we have already seen, sold that of Gilbert de Unfranville to Simon de Montfort. Robert's guardians had not used his inheritance as if they *loved* it. They had made it a sort of *castle rack-rent*, and when at length it came to him it was in a dilapidated and impoverished condition. Truly might he have said :

> "When sorrows come, they come not single spies,
> But in battalions."

His troubles were not one but many. It was a great loss to lose his father when he was so young, but this loss was again aggravated by having his inheritance rapaciously managed, and then delivered up to him wasted and impoverished ; but worse than all, it was his fate to come of age when the political horizon was dark and the country on the very eve of a civil war. The treatment which he had received from the crown was not such as to make him zealously loyal to the king, especially when Simon de Montfort was so popular and was bidding so high for power. Earl Robert first offended the king by joining de Montfort at the siege of Worcester in 1264, and by soon afterwards swearing to observe the association of the eighteen barons, which would have

reduced the king's power to a mere name. Having thus offended the king, he next made de Montfort his enemy by withdrawing from his party after prince Edward had ravaged his lands in Derbyshire. But before de Montfort's fall in the battle of Evesham, where neither earl Robert nor his liegeman William le Boteler appear to have been present, he had made his peace with the king, and on the 23rd February 49 Henry III. (1265) he received back the wapontake of West Derbyshire and all his other lands upon condition of his future good behaviour. (Baines' *Hist. Liverp.*, vol. iii. *et seq.*) Misfortunes however had not taught earl Robert wisdom:

> "Rebellion lay in his way,
> And he found it."

He was persistent in his treason, for not long after he raised another army with which he encountered the king at Chesterfield when he was defeated, after which his lands were again seized and given to the king's son prince Edmund; and then of all his great inheritance there was nothing left to him, says the chronicler, "but the gout in his hands and feet which his father and grandfather had before him." (Dugdale's *Baronage.*)

In 51 Henry III. (1267) when Adam de Bury the coroner of Lancashire rendered an account of c. marks for fines and trespasses in a suit brought by Henry de Lee, sir William le Boteler was one of the witnesses to vouch his account.

There being now no longer an earl of Chester, and since the forfeiture of Robert earl Ferrars, prince Edmund the king's son having become the owner of his West Derbyshire estates and consequently William le Boteler's superior lord, the latter's connection with Cheshire was relaxed, though as yet it had not wholly ceased, for in the year 1269 we find him appearing as one of the witnesses to a Chester charter granting the custody of the bridge gate of the city. (*Hist. Ches.*, vol. i. p. 280.)

Weary perhaps of the recent troubles at home and seized with the romantic passion of the age, the king's eldest son the gallant

prince Edward determined to take the cross and make the crusade to the Holy Land, and the next year with a goodly company of his nobles, knights and gentlemen he left England, and remained abroad four years. Some of his companions were doubtless from this neighbourhood. On a former occasion when sir Geoffrey de Dutton about the year 1224 returned from the Crusade, where, says an old chronicler, "while servynge his prince he vanquished a Sarrazen in combate," he adopted "the Saracen's head" for his crest, which his descendants use now and have used ever since. Sir Peter Leycester says sir Peter de Dutton sealed with this crest in 1321 (*liber C.* p. 138), and in this neighbourhood it became a popular tavern sign. In Warrington one of the oldest hostels was called "Le Morslande" in allusion to the Crusade (*Warrington in* 1465, p. 92, Chetham soc.); and lately, when in the interests of sobriety an unnecessary tavern was shut up by one of sir Geoffrey's descendants, who took down one of these signs in a neighbouring village, this record of it fell from his pen:

> "The head of Saracen in Holy Land,
> Sir Geoffrey won it with his own right hand;
> No less exploit be his successor's boast,
> Who cut that head off from the alehouse post."

But William le Boteler needed time to recover from the critical position he had so lately been in. He was not sure that some of the acquisitions he had made from his late superior lord might not be questioned as having been obtained in time of war. (*Placita de Quo Warranto*, p. 387.) He was probably not insensible to the glory of the Crusade, but prudence counselled him that it was better he should remain at home, as we must presume he did, for neither the *Patent* nor the *Close Roll*, both of which have been searched, contains among the followers of prince Edward to the East any mention of his name.

Having purchased part of Burtonwood from the late owner William le Boteler now agreed with prince Edmund not only for

the confirmation of his former purchase, but for the purchase of the remainder, and the prince, calling him "his beloved and faithful servant William le Boteler de Werinton," on the 12th February 54 Henry III. (1270) granted him his acquittance of 105 marks in part of 900 marks for the purchase of Burtonwood, and agreed to receive from him the remainder by instalments of 20*l.* a year "for the woode of Burtonwoode;" and also agreed that if he should afterwards make peace with Robert de Ferrars without William's express consent it should in no wise affect the grant. And of this charter William le Boteler obtained an exemplification on the 19th February 54 Henry III. (1270.) (*Bold Deeds* in the Warrington museum.) There had been some promise made by the prince to restore Robert de Ferrars to his lands upon payment of 50,000*l.*, but it was very unlikely such a sum would be paid, and it never was paid. There are some expressions in this deed which lead us to believe that William le Boteler had agreed with earl Robert for this purchase before his first fall. In the shrievalty of John de Cancefield, one of those whose names are omitted from the list of Lancashire sheriffs but who was certainly in office between the years 1263 and 1273, lord William le Boteler was a witness to one of the charters of Dieu la cresse abbey. (*Hist. Leek*, p. 41.)

It has been before observed that the religious houses, never wanting in worldly prudence, were often in the habit of seeking confirmations of their charters from persons who were sometimes only very remotely related to the donors or interested in the property. In the year 1271 the lord William le Boteler confirmed the grant of Thomas de Bethum and Anuca his wife, daughter of Richard fitz Roger, of one-fourth of half a carucate of their land in the Howes within Lytham to the abbot and convent of Cockersand. (Dodsworth's *MSS.*) William's claim to this land, if he had any, could only have been as Thomas de Bethum's superior lord.

In the same year William le Boteler, describing himself as of Werington, granted to the abbot of Cockersand 40*s.* a year to be

paid from his privy chamber "de camerâ suâ." (Kuerden's *MSS.*) The abbey seems at this time to have possessed lands in Warrington which had been acquired from the Botelers before the year 1260, for in a Warrington charter of Gilbert de Southworth's of that date there occurs this passage: "Rendering moreover yearly to the lord abbot of Kokyrsand twelve pence for a burgage." (*Legh Deeds.*)

On the 13th December (St. Lucia's day) in the same year (1271) "the lord William Pincerna, knight," was witness to a release made by the abbot of Cockersand. (*Hist. Ches.*, vol. i. p. 430; and *Arley Papers*, box i. No. 56.)

There seems about this time to have been some litigation between the two neighbours William de Bolde and the lord William le Boteler arising out of the recent transfer of the Ferrars' lands, and on the 20th May 56 Henry III. (1272) they came to the following agreement, which is dated at Preston:

"It is agreed between William de Bold of the one part and the lord William le Boteler of the other part as follows, that is to say, that the aforesaid William de Bold and his heirs shall have and hold all those lands in Bold which he recovered in an action of *novel disseisin* at Lancaster in fifteen days from the Purification of the Blessed Mary in 56 Henry III. And moreover the said lord William le Boteler for himself and his heirs hath granted that the said William de Bold and his heirs shall have and hold the aforesaid lands, and also all other lands in the vill of Bold, &c., for ever, in the same manner as the said William de Bold formerly had and held all his demesne of Bold under Robert de Ferrars earl of Derby, and as his ancestors from old time had and held his whole demesne of Bold from the ancestors of the said earl Robert by the payment of 10*s.* at the exchequer of the honour of Halton; and because it then appeared that the said William le Boteler had a gift and grant of the said 10*s.* from the said Robert earl Ferrars."

This agreement is witnessed by the lord Richard le Boteler, lord William's brother, and others, and is sealed with the usual Boteler seal *azure*, a bend *or*, between six covered cups of the same.

The political affairs of the kingdom, disturbed as they were in the late reign, presented now and then a dramatic incident to diversify them. Such an incident was that which has been already mentioned when the clergy cast upon the ground their flaming torches and uttered dire imprecations upon all who should dare to break the great charter. There was now a new king upon the throne with an impoverished exchequer, and the means he took to replenish it gave rise to another such incident. The king appointed a commission to inquire into the titles of some of his nobles to the estates which had been transmitted to them from father to son for several generations. This was thought to be so inquisitorial that earl Warren, who had done good service in the last reign, being required amongst others to show the commissioners his title, drew his sword and, with his hand on the hilt, told them that the conqueror had not conquered the country for himself alone; that his (the earl's) ancestor had been a joint adventurer with him, and that he himself was determined to maintain what from the Conquest had remained unquestioned in his family. (Hume's *Hist. Eng.*, vol. ii. p. 258.) He was in earnest, and the king found that there were limits beyond which even his necessities must not push him.

The times however were now free from the distractions of the late reign. The king was popular, and the political horizon being clear William le Boteler thought it a fitting time and season to make an attempt to advance the material prosperity and improvement of Warrington, the head of his barony. With this view he petitioned the king for leave to hold a weekly market and a yearly winter fair in the town, and on the 7th November 5 Edward I. (1277) the king by his charter dated at Rhuddllan granted him the right to hold such a market at Warrington on Friday, and to hold a yearly fair of eight days there on the eve, the day and the morrow of St. Andrew the apostle, and the five following days. (Dugdale's *Baronage*, p. 653; and a copy of the charter in the author's possession.) No market is

or, so far as we know, has ever been held at Warrington on a Friday, and it is observable that there occurs the same discrepancy between the charter day and the actual day of the market at Preston also. (*Hist. Lan.*, vol. iv. p. 460.) In either case it would be difficult to say how the difference originated. The market in those days brought people to the town to buy; the fair brought them there to sell. It was easier to bring goods to the customers than for the latter to travel to them. The traders who frequented the fairs brought linen from Ireland, broad and narrow cloths from Yorkshire, and perhaps woollen hose from Wales, which they displayed in wooden booths erected for the purpose after the manner of an Oriental bazaar. It was an assemblage of such booths at Boston fair that we are told one Thomas Chamberlain plundered. This person, in station a gentleman but in character a miscreant, fixed a tournament to be held during the fair, and while the tournament was proceeding he set the town on fire, and then plundered the traders' booths for which he was very deservedly hanged. (Hume's *Hist. Eng.*, vol. ii. p. 244.)

The fair at Warrington was made the occasion of transacting law business from all the neighbouring districts. Of this we have an instance when, on the 7th July 8 Edward I. (1278), John fitz Thomas de Pesfurlong granted to his lord Richard fitz Hugh de Hindlegh all his land with its appurtenances in Culcheth, to which he (the grantor) had any claim by inheritance. In the same year, and probably at the same time, an agreement was made between Richard de Culcheth and his brother Adam de Pesfurlong, and their agreement was witnessed by the lord William le Boteler. (Dodsworth's *MSS.*) We do not know the actual site where Warrington fair was held in old times, but we know as a rule that fairs were held near to churches and on some saint's day in order that they might be at the same time both *holidays* and *holy days*.

On the 26th May 8 Edward I. (1280) Edmund, calling himself "the son of Henry III.," granted and quit-claimed to the lord

William le Boteler of Weryngton and his heirs a piece of land with its appurtenances and the wood thereon in Burtonwood "in Bosco de Burton," in a place there called Hardersley, which the abbot and monks of Tyletye formerly held of earl Ferrars. The grant bears date at London, and is witnessed among others by the lord Richard le Boteler the grantee's brother. Tyletye, to which the place formerly belonged, was an abbey in the far distant county of Essex which Robert Ferrars earl of Derby and Maurice fitz Geoffrey had founded about 1152 for a body of white monks to the honour of the blessed Virgin.* It was surrendered at the Dissolution by John Palmer the abbot and five monks. Palmer was a batchelor of civil law at Cambridge in 1511 and a doctor in 1529. (Tanner's *Notitia Monastica*, and *Athenæ Cantab.*, vol. i. p. 61.)

It was probably in the same year (1280) that an agreement was made between the lord William le Boteler and Robert fitz William de Bold (son of that William who had so recently sued William le Boteler at law, and who it would seem had since died) by which William le Boteler granted to the said Robert all his right of common in Bold wood. (Dodsworth's *MSS.*)

In the following year, when William Carleton granted lands to Richard le Boteler knight, William le Boteler was a witness to the charter. (*Legh Deeds.*) This Richard, who was a younger son of William le Boteler's brother Richard the first lord of Houtrawcliff, became the founder of the house of Boteler of Merton. He seems to have followed the fortunes of Thomas of Lancaster, and by so doing to have lost both life and fortune. He died on the 24th February 15 Edward II. (1322), and a list of his forfeited possessions occurs among the Escheats. (Dodsworth's *MSS.*, and *Cal. Inq. p. m.*, p. 304.)

In the same year (1281) William le Boteler lost his brother Richard, with whom we have seen him so cordially acting on

* This house was surrendered on the 28th February 1535 in prospect of the coming visitation, and was the first house surrendered. (Beck's *Annal. Furnes.*, p. 104.)

many occasions, and with whom he seems to have always lived on terms of affection. William and his son Henry were witnesses to the assignment of dower to Alicia, Richard's widow, in the same year. (*Whalley Coucher Book*, p. 423 *in notis*, Chetham soc.)

On the 17th October 9 Edward I. (1281) an agreement then made in court and sanctioned by it shows how long-lived in those days a law-suit was. A strife between the Botelers and the Stantons, begun in the time of Richard I. while William fitz Richard, William le Boteler's grandfather, was a minor, had lingered smouldering on, but sometimes breaking out afresh, ever since; and now, in order to end it, William calling himself "William fitz Almeric lord of Warrington" and Robert de Stanton, after noticing that Robert claimed from William twelve messuages and one carucate of land in Crophill-Boteler, and that William claimed from Robert eight messuages, three hundred acres of land and twenty-two acres of meadow in Crophill, the parties mutually agreed that William should grant Robert, subject to the accustomed services, a capital messuage and half a knight's fee in Crophill-Boteler, being the same that William's grandfather had granted, and that Robert should thereupon release to William all and every his other rights in Crophill-Boteler. (*Bold Deeds.*)

On the 6th April 10 Edward I. (1282) William le Boteler, described as "de Werington," was summoned to meet the king at Worcester prepared with horse and arms to march against the Welsh rebels. (*Parliamentary Writs*, pp. 222, 223*i*.) He had buckled on his armour, and he and his followers had come once before to Worcester, but then

> "Rebellion did divide
> The action of their bodies from their souls."

But there must have been sadness also in this second meeting at Worcester, the object of which was no less than to oppress and overthrow prince Lewellyn and his gallant little kingdom. Let us hope that the lord of Warrington was spared the pain of

seeing the native bards put to death, or of hearing that heavy but deserved execration which a later bard has put into their mouth, "Ruin seize thee! ruthless king!"

About this time we have a deed witnessed by the lords William le Boteler de Werington, Henry his son, and Henry de Lee sheriff of Lancashire. (*Legh Deeds.*) Henry de Lee was sheriff in 1277, 1284 and 1285.

It is evident that William le Boteler obeyed the summons to meet the king at Worcester, for on the 30th July 10 Edward I. (1282) the king issued his writ of assistance from Rhuddllan, in which he commanded all bailiffs and others in the county of Lancaster to be aiding and assisting to William le Boteler of Warenton in raising a thousand strong and able men (*ad eligendos mille homines fortes et potentes*) to serve in the Welsh wars. (*Parliamentary Writs*, p. 228.) In an old roll of Rhuddllan of 7 Henry VI. many local names of this neighbourhood occur, as Legh, Frodsham, Worrall and Sankey, all of which may have been names of the descendants of some of those who attended this muster.

In the campaign against the Welsh in 10 and 11 Edward I. (1282–83), in which William le Boteler shared, the king appears to have made Rhuddllan his head-quarters, and to have from thence issued most of his orders; for in the accounts of the campaign we have this entry of a payment which is connected with the above order to raise fighting men:

"To Master William le Boteler for the wages of one constable, two-hundred-and-six archers, with ten captains of twenties, from Saturday 16th January (1283) to Wednesday the 27th of the same month for twelve days 22*l.* 4*s.*" (Meyrick's *Anc. Armour*, vol. i. p. 137.)

This pay seems to have been apportioned as follows:

1 Constable at 4*d.* per day	£0	4	0
10 Captains at 3*d.* per day	1	10	0
206 Archers at 2*d.* per day	20	12	0
	£22	6	0

The slight difference between this calculation and the sum paid may have been on account of some deduction for an occasional absence.

A statute of this reign (28 Edward I.) directs that a sufficient number of constables shall be appointed to lead the levies, from which we may learn what the duties of such officers were. The constable at Rhuddllan commanded the captains and had one fourth more pay, but no office has since more fallen in dignity than the constable's. Originally he was the chief leader in war of the armies of kings and sovereign princes. The baron of Halton, as constable to the earl of Chester, was to lead the van of his host and to be the last to retreat. When that fine eulogy of peace was pronounced, it was addressed by the aged Sicilian who spoke it to the lord constable of that island :

> "Oh thou beauteous peace!
> Sweet union of a state! what else but thou
> Gives safety, strength and glory to a people?
> I bow, lord constable, beneath the snow
> Of many years, yet in my breast revives
> A youthful flame. Methinks I see again
> Those gentle days renewed, that blessed our isle,
> Ere by this wasteful fury of division,
> Worse than our Etna's most destructive fires,
> It desolated sank!"
>
> (*Tancred and Sigismunda*, act ii. sc. ii.)

But before the time of Cromwell the constable's office had sunk almost into contempt. Constables were then non-military persons, and Hudibras the justice could thus contemptuously look down upon them as occupying the lowest rung on the social ladder :

> "We that are wisely mounted higher
> Than constables in curule wit,
> When on tribunal bench we sit,
> Like speculators should foresee,
> From Pharos of authority,

Portended mischiefs further than,
Low proletarian tithing men."
(Butler's *Hudibras.*)

Again the neighbours of sir William le Boteler seem to have taken advantage of the fair to meet there to transact their law business. On the 29th November 12 Edward I. (1283), the day of the commencement of the winter fair, Henry de Lathum, lord of Torboc, made to Robert de Bold a charter of release of all those lands in Bold which the lord Henry Torboc formerly held there. The charter was dated at Warrington, and (which shows how the fair was frequented) it was witnessed by the lord of Holand, Alan de Rixton, Jordan de Standeshe, Gilbert de Southworth, Mathew de Haydock, Henry de Par, Richard del Shawe, Richard de Pilateshawe, Robert le Spencer and John Gillibrand.

In 1284 two carucates of land in Hawkswell are mentioned as being held of the Boteler fee, but it does not appear whether these Botelers were of Warrington. (Whitaker's *Hist. Richmondsh.*, vol. i. p. 323.)

Sir William le Boteler, having found the advantage of holding a summer fair and a weekly market at Warrington, now applied to have the duration of the fair extended and to have also a second weekly market, and the king, by his charter of the 20th May 13 Edward I. (1285), empowered him to have a weekly market at Warrington on Wednesday, and to hold an annual fair of eight days on the eve, the day and the morrow of the translation of St. Thomas the martyr, and the five following days. By the same charter sir William had a grant of free warren (or the exclusive right to take hares, conies, partridges and pheasants,) in all his demesne lands of Sankey, Penketh, Werington and Laton in the county of Lancaster, and in all his demesne lands of Crophill in the county of Nottingham, and of Eccleshall, Folkeshill and Smercote in the county of Warwick, provided such lands were not within the king's forests. (Dugdale's

Baronage, p. 653, and the original charter.) This Wednesday's market, although there is no express allusion to the Friday's market, was doubtless meant to be in addition to, and not in substitution for, the market before granted on that day. The market now held on Saturday may have been one of those markets which, as we shall find hereafter, sir William claimed to hold by prescription. Although the 6th July, the eve of the translation of St. Thomas the martyr, is the charter day of the Warrington summer fair, the fair is not now held on that day but on the 18th July, probably because when the style was changed in 1752 there was a superstition that, change the style as they might, the legislature could not change the real saint's day or substitute another, as that must always continue the same. An almanack of 1658, although it gives correctly the charter day of the winter fair, unaccountably calls the 25th of July the summer fair day.

In some jingling lines, which are only remarkable because it has been said they were written by Shakespere, there is mention made of one of the Boteler possessions, in which they had the above grant of free warren :

> "Piping Tedworth, Dancing Marston,
> Haunted Hilbro', Hungry Grafton,
> Dudging *Exall*, Papist Wicksford,
> Beggarly Broom, and Drunken Bedford."
> (*Notes and Queries*, p. 156, August 14th 1852.)

By an undated charter, probably made in the year 1285, sir William le Boteler granted land in Depesthreleche in Warrington to Richard de Eccles (*Arley Deeds*, box i. No. 42), and about the same time he confirmed two undated grants of Simon fitz Alan de Halsall and William fitz Benedict de Lydiate of lands in Orsalheved to the abbey of Cockersand. (Dodsworth's *MSS.*) About this time also the abbot and convent of Stanlaw, on the eve of their removal to their new home at Whalley, granted to John de Werington for his life, subject to the annual rent of

8*s.* 6*d.*, a free burgage in Werington which they had of the gift of William le Boteler, "reserving to themselves and their successors lodgings and hospitality in the said burgage when they should have occasion to resort there to manage or look after their affairs" (hospitium ad hospitandum et ad res suas ibidem recolligendas et conservandas cum necesse habuerint). One of the witnesses to this deed is described as "Hug. epo.," but of what place he was bishop is not stated.

This was soon succeeded by a grant which William le Boteler made to the abbey of Whalley of another burgage in Warrington, and of an exemption from all toll there. (*Whalley Coucher Book*, p. 414.) About the same time also he was a party to the composition about the marsh in Great Laton (*Ibid.* p. 421), and he also confirmed William Blundell's grant of Alt mill. (*Ibid.* p. 494.)

The year 1285 is the date of an inscribed stone effigy of a sir John de Boteler at St. Bride's in Glamorganshire. The deceased, who was not one of the Bewsey family, is habited in a shirt of chain mail, over which he wears his surcoat. The only plate armour about him is his skull cap, on which are two covered cups, three more of which also adorn his shield. This effigy, which may give us a good idea of the armour worn by his cotemporary William le Boteler, exhibits the earliest known instance of the rowel spur. (*Journal of the British Archæological Association*, p. 188, September 30th 1857; and *Manual of Sepulchral Slabs*, plate xxxii.)

On the 29th September 14 Edward I. (1286) William le Boteler was at Lancaster attending the assizes, and while there he was witness to the grant of a market to the priory of Burscough. (Dugdale's *Monasticon* under Burscough.)

The king being now abroad William le Boteler, described as of Warrington, was summoned on the 15th July 15 Edward I. (1287) to appear with horse and arms at a military council to be held before Edmund earl of Cornwall at Gloucester. (*Parliamentary Writs*, pp. 250, 251.) And having been one of those thus summoned to the council which led to the conquest of

Wales, he was summoned on the 3rd June 19 Edward I. (1291) to appear at Norham to perform military service in person against the Scots, which was but the prelude to the conquest of their kingdom. (*Parliamentary Writs*, p. 265, and index; Rymer's *Fœdera*, vol. i. p. 753.)

Business of great consequence seems to come before sir William le Boteler's court for the manor of Warrington at this time, for on Wednesday before Palm Sunday, 26th March 1292, this transaction is recorded to have then taken place there before the full court. Adam fitz Robert de Thornton, the record informs us, for the health of his soul and the souls of his ancestors and heirs, then released to God and the blessed Mary and the abbot and convent of Stanlaw all the rights he had or in any wise might have in or to six acres of land, eight acres of meadow, twenty-four acres of marsh and one half of a house, with the appurtenances in Ince by Thornton, for which he had impleaded the said abbot and convent by the king's writ in the court of the lord William le Boteler at Werington. (*Whalley Coucher Book*, p. 515.)

The year 1292 proved to be one of much bustle for William le Boteler. War is a great impoverisher; and the king, feeling that the conquest of Wales had not made him richer, now had recourse to issuing *quo warrantos*, a kind of writ so named from their first two words. These writs, no less than fifty-eight of which reached Lancashire alone and took more than a month at Lancaster to try, seem to have been sown broad-cast with a view to reap a harvest of fines from such as had usurped any franchise or had exceeded the charters they had. The writ which reached William le Boteler called upon him to be at Lancaster upon the octave of the Holy Trinity (8th June 1292), and there to show by what right he claimed to have markets and fairs, and the right of free warren in Sankey, Penketh, Werington and Laton, and also wreck of the sea and gallows in Werington and Laton, whereupon he came and produced in court, first, the charter of lord Henry the king's father

made in the forty-first year of his reign, by which the said William and his heirs had a grant to have a weekly market on Wednesday in his manor of Laton in Lancashire, and a yearly fair there of three days' duration on the eve, the day and the morrow of St. Andrew the apostle; secondly, he produced a certain charter granted by the then king in the fifth year of his reign, by which he and his heirs for ever were to have a weekly market on Friday at his manor of Weryngton in Lancashire, and a yearly fair there of eight days' duration on the eve, the day and the morrow of St. Andrew the apostle and for five days following; thirdly, he also produced a certain other charter made in the thirteenth year of the king's reign, whereby he granted to the said William and his heirs to have a weekly market on Wednesday at his manor of Weryngton aforesaid, and a yearly fair there of eight days' duration on the eve, the day and the morrow of the translation of St. Thomas the martyr and for five days following; by which last charter there was also granted to the same William and his heirs for ever to have free warren in all his demesne lands of Sankey, Penketh, Werington and Laton in Lancashire, and in all his demesne lands in Crophill in Nottinghamshire, and in all his demesne lands in Eccleshall, Folkeshill and Smercote in Warwickshire. Whereupon, by virtue of these charters, the said William claimed to have the said markets and fairs, and (as belonging to the same) the regulation of the assize of bread and beer. He claimed also to have had wreck of the sea in Laton and gallows in Werington from the time of William the Conqueror and ever since, without interruption at any time. Whereupon William Inge, who prosecuted for the king, said that the said William le Boteler had assumed to himself the said markets, fairs and warren long before he had had any grant thereof either from the then king or from king Henry his father; and as to Laton, he said that the said William had never used the said market and fair, or the other liberties there, which he claimed to have been granted to him and his heirs.

The jurors found as to the liberties, which the said William claimed to have had from time whereof the memory of man ran not to the contrary, that he had used the same in the form alleged, without interruption, in the manner in which he claimed them. And as to the said right of free warren, they asserted that the said William had used the same from the making of the aforesaid charter in the manner in which it was granted to him, except that the vills of Sankey, Penketh and Laton were within the limits of the chace of Edmund the king's brother, which he held as a forest and had held for three years, and thereupon judgment was given accordingly. And, as to the market and fair, the jurors stated that the said William had used the said market and fair from the time of making the said charter in the manner and form in which it had been granted him. And, being asked whether the said William had held the said fair and market before the making of the said charter, the jurors made answer that he and his ancestors, from time whereof the memory of man ran not to the contrary, had held such market and fair, and thereon he had judgment.

Afterwards, on the octave of St. John the Baptist (1st July), in the twenty-first year of the king's reign, at York, came the aforesaid William by his attorney, and averred that the said vills are not and were not within the king's forest at the time of making the said charter, and as to the said free warren he had license to depart without a day. And because it was likewise found that the said William and his ancestors, from time whereof the memory of man ran not to the contrary, had held the said market and fair, and that he likewise had used the same according to the form of the said charter from the time of the making thereof, it was considered that the said William, as to the present claim, might go without a day (meaning that the verdict was found for him), saving nevertheless the king's right to question the matter at another time if he should so will, "salvo jure dñi regis cū alias ind. loqui voluit."

The "furca" which William le Boteler claimed to have was the

right to that "three-legged colt foaled by an oak," a gallows in Warrington to execute offenders convicted in his own court. (Croke's *Third Inst.*, p. 58.) A field called the Gallows-croft, near the Blue school, was possibly so named from having once been the place where justice had been thus summarily done on offenders so convicted. This, which seems to us a strange privilege, was exercised by many lords of manors in old times. The baron of Kinderton, as late as the reign of Elizabeth, hanged one Stringer, who had been tried and convicted of murder in his manor court at Kinderton.

Our ancestors, it is to be feared, were a litigious race, and law seems to have taken its turn with war as their favourite excitement. When they were defendants they seem to have considered it beneath their dignity to obey the first summons. At the above assizes, before sir Hugh Cressingham and his companions, justices in eyre, Eustace de Catesbethe, who we suppose had been distrained upon for some services he did not owe, brought a writ of acquittance against William le Boteler, who being summoned made default, whereupon the sheriff was commanded to distrain him and to have his body at Appleby in Westmoreland on the next octave of St. Michael. (*Placita de quo Warranto*, p. 370.)

But William le Boteler, although he made default in appearing to Catesbethe's summons, was no idler, for he appeared as a juror in no less than three causes at the same assizes. (*Ibid.* pp. 372, 381, 605.)

At the same assizes Radulf fitz Henry de Werington and Alicia his wife sued their lord, William le Boteler, to recover five acres of land (four of which were within and one adjoining the Friary close) at Warrington; but before the trial they came to an agreement, and, the cause not being tried, they released the land to William le Boteler. (*Hale Deeds.*)

As a witness, a juror or a defendant, these assizes must have given William le Boteler plenty of occupation. Besides his own personal affairs, he was called upon to witness Henry de Lacy's forest charter. (*Whalley Coucher Book*, vol. iv. p. 1163.)

At the same assizes again Thomas de Singleton granted to Thomas de Clifton and Katherine his wife, amongst other things, the fealty and service of William le Boteler de Werington for the lands he held of him in Merton. (Dodsworth's *MSS.*)

At the same assizes also, on the 29th June, William le Boteler "of Werington" and Thomas de Shottesworth, having had a controversy respecting the suit of court due from the latter to the former at his court at Warrington, in respect to 1a. 32p., part of the manor of Bedford, came to the following agreement upon it, namely, that the said Thomas should every year render to the said William and his heirs xii^{d} in silver, in equal half-yearly payments at Michaelmas and the Annunciation of the Virgin, and that upon duly paying this he should be acquitted of the said service for ever. (*Shackerley MSS.*)

In a plea to a writ of quo warranto at the same assizes the abbot of Cockersand claimed to have wayf, infangthief, and assize of bread and beer in Weryngton, amongst other places. (*Placita de quo Warranto*, p. 378.)

But of all the important transactions in which William le Boteler took part at this great assize at Lancaster, none surpassed in its consequences to Warrington the charter which he then made to his free tenants on the 22nd July (the feast of St. Mary Magdalen) 1292. There had evidently been a contention between the lord and his tenants as to their respective rights. He had perhaps pressed his feudal claims too far, and they had been unwilling to give him all that he was entitled to. Now, however, the parties came before sir Hugh Cressingham and his associate justices, and after debate William le Boteler granted his tenants what may be called the *Warrington magna carta.* It consisted of eleven articles, by each of which he defined or granted the tenants some privilege or exemption. Time and the alterations it has brought about have made most of these privileges, which were then important, obsolete ; but as the charter gives us some insight into the times when it was granted, we propose to give its several

articles, with such remarks as may occur upon each of them. By the first article sir William exempted his *free tenants* and their heirs from the payment of tolls on articles bought or sold in his fairs and markets at Warrington. Toll is a Saxon word, and signifies either a liberty to buy or sell within the limits of a manor, or a tribute or custom paid for buying and selling in a market or fair, or for a passage through a manor, in which latter case it was called a *toll thorough*. The privilege of being toll free at Warrington was that which the *free tenants* of sir William le Boteler now acquired. They wished to buy and sell in the lord's markets and fairs, without paying the small tax or payment which was supposed to be his equivalent for the trouble and expense of obtaining and supporting the franchise. In early times an exemption from tolls in markets and fairs, either generally or in particular places, seems to have been a privilege eagerly sought after. The knights of St. John of Jerusalem had a general charter of exemption for themselves and their tenants throughout the kingdom; and, as we have seen, the abbot of Whalley obtained from sir William le Boteler a like exemption from toll at Warrington in respect of his house there. It does not seem however that the exemption granted by sir William to his free tenants was meant to extend to their undertenants, or to any persons but themselves and the owners of their lands, which in those days, when almost every man farmed his own land and held alternately the plough and the sword, was perhaps sufficient. Luriche earl of Coventry, giving his celebrated countess the lady Godiva his charter for that place, though he used fewer words than William le Boteler, gave a far fuller exemption:

> "I, Luriche, for the love of thee
> Do make Coventry toll free!"

By the next clause of his charter (2) sir William granted his free tenants the right to have their measures free, "according to the measures of our lord the king," in which at first sight there seems some contradiction, for to have them free and to have them

according to the king's measures do not seem to be the same. In settling the articles before *magna carta* it was agreed that the measure of wine and wheat and the breadth of cloths and other things should be amended, and in like manner of weights; and upon this the great charter directed that there should be one measure of wine, beer and corn throughout the kingdom, which should be the London quarter, and one breadth of all dyed cloths, russets and halberjects, namely, two ells within the lists, and that it should be with weights as with measures. What then was the privilege which sir William granted his tenants as to their weights and measures? If it meant that they were to be at liberty to use the king's weights and measures as settled by *magna carta*, that could be no new privilege, for they enjoyed it before; if it was intended that they should use measures contrary to those called the king's, this, besides being a contradiction in language, would have been such a denial of the king's authority as would hardly have been listened to by sir Hugh Cressingham and his associates, sitting there as his representatives. But if, as we find to have been the case, the particulars of all the weights and the extent or capacity of most of the measures were left unsettled by the great charter, and had not been settled by any statute since, it was natural enough that our ancestors should wish to reserve the same right to use their own weights and measures where the law was silent, as they had to use the king's weights where the law had spoken; and this would seem to have been the privilege intended to be conferred by this clause. Down to our own times we know that a pound of butter in Warrington market always contained more than sixteen ounces, while, at the same time, the local bushel in no way corresponded with the imperial bushel. We know also that Warrington acres and Cheshire acres, both greatly exceeding the statute acre, keep their place to this day; and we know that in 1465 Makerfield, Wigan, and some other neighbouring places, had weights and measures of their own, differing from those of the rest of the kingdom (*Warrington in* 1465, p. lxiv., Chetham soc.); and a corn measure, called

Mensura de Wigan, occurs in 3 Edward III. (*Arley Charters.*) Nothing more strongly shows the inveteracy of habit than that so many of these local weights and measures should still survive after such repeated attempts to destroy them.

We now come to that clause of the charter (3) which directs that no satisfaction or damages shall be made for the trespasses of the tenant's cattle, but according to the quantity of the trespass and by the judgment of good and lawful men of Warrington, and (as we read it) only corn for corn and grass for grass at any time of the year. It seems evident that extravagant damages for trespass had been demanded by the lord from his tenants, or by the latter from each other; and in those times, when enclosures were few and the extent of unenclosed land was large, it must have been difficult to restrain cattle from trespassing, and when a trespass was committed there were no officers independent of the lord who had power to assess the damages at a reasonable amount. This clause remedies both these defects. The damages from henceforth were to be reasonable, and officers were to be appointed to assess them, who were in no case to give damages for grass as if it were corn, or *vice versâ;* and were to be empowered, in cases of need, to order restitution in kind — a very wholesome provision, especially in times when coin was a scarce commodity even with acred landowners. To this clause it is that we owe the full establishment, if not the actual origin, of the officers still annually appointed at the lord of the manor's court, and called burley men, that is the bauer or peasant "lagh" or law men, whose duties correspond with those pointed out in the clause under consideration.

By the next clause (4) sir William granted to his free tenants that they should be acquitted of all manner of pawnage of all their hogs bred or bought within the manor of Warrington, unless they entered anywhere into his woods (that is the woods around his house or in his demesne), in which case they were to pay the same or the like pawnage that was paid by strangers to the manor. There were no "monts de pieté" in those days, nei-

ther had our forefathers' wants originated the regular trade of lending money on pledges. Pawnage means therefore something very different from what the word at first suggests. According to our law writers pawnage means either the feeding of any cattle (but principally swine) upon the acorns, beech-nuts, and other like fruit of the forest, or it means the money paid for such feeding. In the above passage it has evidently both these meanings. The tenants were to have pawnage, or the free right of feeding their hogs, in all the lord's lands except in certain woods, in which if they fed them they were to give their lord the pawnage—that is the same payment for their feeding that strangers gave. Does not this recall to our minds that scene so vividly pourtrayed by a great word-painter, where Gurth and Wamba, in the occupation of watching the swine, were seated "as the sun was setting upon one of the rich glassy slopes of the forest, where hundreds of broad-headed short-stemmed, wide-branched oaks flung their gnarled arms over a thick carpet of most delicious greensward, while in some places there were intermingled beeches, hollies and copsewood, so closely as to intercept the level beams of the sinking sun; and in others they receded from each other, forming long sweeping vistas, in the intricacy of which the eye delighted to lose itself, and imagination pictured them as the paths to yet wilder scenes of sylvan solitude"? Happy times were those for the porkers when (with no fear of sanitary inspectors) they wandered the livelong day at liberty, eating their fill of the food they love, and at night reposing under the greenwood shade.

By the next clause (5) sir William granted to his tenants that they should not be put to take an oath against their will, unless by precept from the king. The 10th and 28th sections of king John's *magna carta* had declared that no man should be distrained to do more service for a knight's fee, nor for any freehold, than was due for the same; and that no bailiff should put any man to his open law, nor to an oath upon his own bare saying, without faithful witnesses brought in for the same; and the

statute 43 Henry III. c. 22,— re-enacted almost in the very same words by statute 52 Henry III. c. 22 (for our ancestors never rested with establishing a thing only once)— had enacted that no man should distrain his free tenants to answer for their freehold, nor for any matters pertaining thereto, without the king's writ; nor should cause his free tenants to swear against their will, for that none might do this without the king's precept. It is probable that the grant now under our notice had in view the remedying of the evils pointed out in the above sections from *magna carta* and the other statutes. Our ancestors, says Blackstone, considered that there were many cases where an innocent man of good credit might be overborne by a multitude of false witnesses; they established therefore the species of trial called wager of law, the manner of which was this: he that had waged or given security to make his law brought with him into court eleven of his neighbours, and standing at the bar, if he persisted in waging his law after being admonished by the judge of the nature of a false oath, was to repeat this or the like oath: "Hear this, ye justices, that I do not owe unto Richard Jones the sum of ten pounds, or any penny thereof, in manner or form as the said Richard hath declared against me." And thereupon his eleven neighbours shall aver upon their oaths that they believe in their consciences that he saith the truth. Now from the way in which the subject is interwoven in the passages already cited, and the purview of their language, it seems that, under pretence of distresses for services or other duties, the free tenants had been compelled by the bailiffs, from interest or through favour, either to accuse or bear witness against their neighbours, or to purge themselves by wager of law, that is by their own oath and the oaths of their compurgators, before even the complainant had either brought witnesses or offered any evidence of his claim. This appeared so contrary to the spirit of fair play, which required the complainant to make out his claim and support it before the defendant was called upon to answer it, that they rebelled against its injustice, and in the great charter of 25

Edward I. actually had the two cited clauses of king John's charter repeated in their original words.

In the next clause of the charter under our review (6) it is provided that if any of the tenants were amerced (that is placed at the mercy of their lord) for any fault in sir William's court, they should be amerced according to a reasonable taxation in full court, and this according to the quantity of the fault by the view of their neighbours in Warrington.

This is in the spirit of that section of *magna carta* which provided that amerciaments should be reasonable, and should be assessed by the oath of honest and loyal men of the vicinage. After this clause fines and amerciaments could no longer be imposed at the will of the lord of the manor, or by any other authority than the jury; nor was this the whole, for, after being imposed, they had to be affeered or moderated by officers called affeerers, who still continue, we believe, to be appointed at our annual court baron to this day.

The language of the next clause (7) was meant to confer a new power upon the court and jury. It engages that sir William will not take any inquisition upon his free tenants without the consent of the parties. A former clause had put an end to his power to enforce them by distresses, but that would have been of little avail if he might still have harassed them with inquisitions upon each other, and so have given him colour to exact fines and amerciaments at his pleasure. The consent which is conditioned for was probably to be given by the suitors of the assembled homage at the lord's court, or by the jury of the court baron.

The statutes of the time (8) make no direct mention of the evil for which the next clause provides a remedy. The tenants shall not be forced to keep any man taken or attached by the bailiffs but according to the custom of England. The language of the clause however sufficiently indicates its nature, and there are indirect allusions to it in one or two of the old statutes: "If any withhold prisoners replevisable he shall pay a grievous

amerciament to the king, and if he take any reward for the deliverance of such he shall pay double to the prisoner, and also shall be in great mercy to the king." And the 13 Edward I. enacts "that a writ to hear and determine appeals before justices assigned shall not be granted but in a special case, and for a cause certain when the king commandeth; but lest the parties appealed or indicted should be kept long in prison, they should have a writ like as it is declared in *magna carta* and other statutes." The object of this illegal detention of prisoners was to extort money from real or supposed offenders, and the free tenants justly thought it an evil that they should be subjected to the expense of keeping persons detained for so unworthy a purpose.

The ambiguity of the language of the next clause (9) by which sir William engaged that his free tenants should not be forced to drive away their own distresses nor others taken in the town of Warrington against their own will, is more seeming than real. It does indeed seem strange to stipulate that the tenants shall not be forced to do what they would be willing enough to do without force, namely, drive home their own or other people's distresses; but the phrase "drive away" is here used in the sense still common in Ireland, where to drive a distress simply means to distrain or make a distress. "Why is my horse," once asked an Irish cab driver of a rival driver whom he was attempting to pass on the road, "why is my horse like a bad tenant?" "Because he never pays the rent but when *he's druv*," was the quick rejoinder. Our ancestors did not intend that sir William should transform them into his bailiffs and servants. Sir William was not an Admetus, nor were they the keepers of his flock, or the Mercuries to drive them away. The Latin word "namia," used in the original charter, suggests another anecdote with which most lawyers are familiar. It is said that sir Thomas More, when travelling, arrived at Padua just as a boasting professor had placarded the walls of that university with a challenge to all the world to dispute with him on any subject or in any art, and that sir Thomas accepted the challenge, and proposed for their subject

this question: "An averia carucæ capta in vetito namio sint irreplegibilia?" which it is almost needless to add proved such a stumbling block to the challenger, who did not know even the very terms of the question, that he surrendered at discretion and acknowledged himself vanquished.

By the next clause (10) the free tenants were assured that none of them should be in ward or pay relief for their tenements but according to the tenor of their feoffments.

It must be remembered that in old times land might be, and frequently was, conveyed by the mere delivery of possession in the presence of witnesses without any writing; and hence, as all land was supposed to be holden of some one, the death of the witnesses might sometimes render it difficult to say by what tenure, whether knight's service or socage, and if the latter, by what rent or services the land was holden. It was often, too, the lord's interest to introduce ambiguity of this kind, for the incidents of the two kinds of tenure were very different. Knight's service, the most honourable and at the same time the most onerous of these two kinds of tenure, subjected the tenant to many incidents, the principal of which were relief (that is a sum of money paid to the lord upon the death of the tenant by way of a renewal of the grant to the successor), wardship or the right to take the profits of the inheritance during the heir's minority, and marriage or the right of disposing of the infant heir in marriage and making merchandise of the sale of his hand. But lands in socage were not subject to any of these incidents, at least not in any objectionable sense, except relief only; and we see therefore why our ancestors were anxious that the terms of their feoffments should be observed by the lord. The second, third, fourth, and various other clauses of *magna carta* had provided remedies for similar evils so far as affected the king's great barons, and sir William's charter was a re-enactment in simpler language of similar privileges in favour of our ancestors at Warrington.

The last clause of the charter (11) engages on the part of sir

William le Boteler, that the keepers of the assize of bread and beer should be chosen by the free tenants themselves and by no other.

The assize of bread and beer was the ordinance that determined the weight, measure, quantity, quality and price of those articles. From very early times in England it was thought necessary to make regulations on this subject by act of parliament, and accordingly, by a statute of uncertain date called the assize of bread and ale, commonly ascribed to 52 Henry III., it was declared that when the quarter of wheat sold for twelve pence, wastel bread of a farthing should weigh six pounds and sixteen shillings,* and that cocket bread of lower price should weigh more than wastel by five shillings, and so going through a variety of prices of corn, and by them regulating the price of bread. In one of the great mosques of Cairo there is shown a santon's tomb, over which is suspended a large loaf to signify that by which the holy man earned his saintship; for he procured a decree that a loaf of that size should always be sold to the people for the same money, and that when flour was dear the government should make up the loss to the bakers, and when it was cheap the bakers should repay the difference to the government. This would be a very easy way of combining a poor-law and a corn-law if its wisdom were only equal to its simplicity. The assize of bread and beer in England, which was not quite so exceptionable on the score of political economy, continued in use until times comparatively recent. In France, where it was determined every fifteen days by municipal authority with reference to the average price of flour, it continued in use still longer; and not long ago the public prints informed us of a most unwise and unwarrantable interference with this arrangement by the government, who gave direction to the bakers that the maximum price of bread for the next fortnight, when it ought to be

* At this time a pound weight of silver was coined into twenty shillings, so that the coins were both weights and coins. (Smith's *Wealth of Nations*, vol. i. p. 279.)

90 centimes for the 4lb. loaf, should not exceed 80 centimes — an order seemingly in accordance with the standard of political economy which dictated the statute of 23 Edward III. c. 6, and which was propounded by Cade, another popular reformer in the days of Henry VI.

"There shall be in England seven half-penny loaves sold for a penny; the three-hooped pot shall have ten hoops; and I will make it felony to drink small beer; all the realm shall be in common, and in Cheapside shall my palfry go to grass." It is less impossible to make water run up hill than to rule a market after this manner.

But by 12 Edward II. c. 6, it is enacted for the common profit of the people, that no officer in any city or borough, that by reason of his office ought to keep the assize of wines and victuals, so long as he is attendant on that office, shall merchandize either in wines or victuals, either in gross or by retail.

In the days when there were no newspapers and no corn return, it might have been dangerous to have had the keepers of the assize nominated by any authority independent of the free tenants, and our ancestors at Warrington in their charter, by this regulation, secured the control of the assize of bread and beer to the court of the manor and the officers appointed by it; and, from that time to the present, the jury at the court have appointed their own officers to see to the observance of the assize of bread and beer, or such part of it as has not been repealed or fallen into disuse. In 15 Henry VIII. (1523) it appears by one of our *Court Rolls* that Ralph Allen, Lawrence Clerk, Lawrence Heys and Hugh Acson were appointed tasters of bread and beer and judges of assize; and officers called ale-tasters, we believe, continue still to be appointed by the court. From time to time, too, the court seems to have made regulations for the better carrying out of the assize; and accordingly at a court held in 1592 it was ordered that when a sieve of oats or a bushel of barley should be sold for 18*d.* or under, that then a gallon of ale should be sold for one penny half-penny; and when the price

rose or fell by 6*d.* in a sieve of oats or a bushel of barley, then the price of a gallon of ale should rise or fall by a half-penny, and so on after that rate, upon pain to forfeit for each default 6*d.*

And persons infringing either in quantity, quality or price, were frequently dealt with by the court. On the 8th October 1635, one John Foxley was fined 1*s.* 8*d.* for selling unwholesome beer, and instances of the same kind are of frequent occurrence in our annals, which show that our ancestors did not suffer their privileges to sink into a dead letter.

The charter then contained a declaration that the conceded privileges should enure to the free tenants for ever, and sir William le Boteler thereby renounced all right to any of them in time to come; and the charter concludes by declaring that he has authenticated it by his seal in the presence of sir Henry Kyghley, sir Nicholas de Leycester, sir John de Evyas, Adam de Hocton, Alan le Norrays, Robert de Bolde, Robert de Wulston, Alan de Rixton, Richard de Samelisbury, Robert de Sonkey, and Gilbert de Warrington clerk, with others. Except the second and the last, none of these names seem to call for any remark. Nicholas de Leycester was of Tabley, and married Margaret the daughter of Geoffery Dutton and widow of Rob. de Denbigh, by whom he was the father of that Roger de Leycester, a judge of the common pleas from 1276 to 1289, of whom there is a short notice in Mr. Foss' *Lives of the Judges* (vol. ii. p. 117); and Gilbert de Warrinton the clerk, a witness to two Boteler deeds in the years 1272 and 1277, who probably was the scribe or writer of this charter, and who is better known to us through the *Chronicles* of Rishanger, first introduced to the notice of Warrington by Dr. Kendrick in his contributions to the *Early History of Warrington.*

CHAPTER XI.

SIR WILLIAM FITZ ALMERIC LE BOTELER, SEVENTH BARON, CONTINUED.

IN the time of sir William le Boteler law-suits in which great people were engaged were so frequent that it would seem that the laws of property were either not well settled, or there was sometimes a disposition to trust to might rather than right. Sir William le Boteler was very often engaged in such suits either as a plaintiff or a defendant, and the lawyers must have had a good friend in him. In the year 1293 however, having taken wrongful possession of the lands of one of his feudal tenants at Warrington, Robert de Sankey, he found the latter to be a man of spirit who would not brook a wrong, even from a superior, and who, knowing his rights, would maintain them; he therefore brought an action against his lord, which coming on to be tried at Lancaster, he had judgment to recover the lands, and his lord was ordered to pay the costs. (*Abbreviatio Rot. Orig.*, 91.)

On the 8th June 22 Edward I. (1294) Willielmus le Boteler de Werington was summoned to meet the king immediately upon receipt of the writ, to deliberate upon certain urgent affairs concerning the kingdom. (*Parliamentary Writs*, p. 260.) What these affairs were we know from history. The king had been duped by the king of France into giving up Guienne upon terms which were not kept; and, having now decided to resume his just rights by force, he issued a second writ dated six days after the first, by which all knights, and others who owed military service, were

called upon to meet him with horse and arms at Portsmouth on the 1st September, prepared to cross the seas, and assist him in the recovery of Guienne. (Rymer's *Fœdera.*) In the list of those summoned by this second writ the name of William le Boteler does not appear, probably because, having attended the first summons, he had been excused crossing the seas either on account of sickness or for some other sufficient cause.

On the 20th August of the same year sir William, calling himself "the lord William le Boteler," at the request of Richard de Culcheth one of his feudal tenants, who was perhaps preparing to pass the seas with the king, agreed with him by deed that he would not, either by himself or his bailiffs, make any distress on the demesne lands of the said Richard for the farm (rent or services) of Culcheth during the life of the latter; in return for which the said Richard fully empowered him to distrain on any or all his men for the said farm (rent and services) as freely as if he were their immediate lord. (*Culcheth Deeds.*) From this deed we learn that Thomas Banastre, one of the witnesses, was then lord William le Boteler's seneschal or steward at Warrington.

It was about this time also that William de Pynyngton quitclaimed and released to his lord, William le Boteler lord of Werington ("dominus de Werington"), all the right which he had by inheritance from his brother John in the lands in Pynyngton, which his said brother had received by gift from Richard de Pynyngton. (Dodsworth's *MSS.*)

The king of France, who had recently unfairly possessed himself of Gascony, seems to have caught from it the spirit of *gasconade*, for he insolently boasted that he meant to invade England and utterly extirpate the English language. Not daunted by this threat yet not despising his enemy, king Edward in the 23rd year of his reign (1295) called a parliament at Westminster to devise measures to meet his adversary. (Rymer's *Fœdera*, vol. i. p. 822.) The king's vaunt that he would invade England proved abortive; and how unlikely it was that he

should *then* wipe out her language, "linguam Anglicanam omnino de terrâ delere," we see *now* when "Shakspere's mother tongue" is spoken in wider realms than Alexander or Cæsar ever conquered, and is become the vernacular of millions from the Atlantic to the Pacific. To this parliament William le Boteler for the first time was called by writ dated 23rd June in this year as a peer of parliament. (Beatson's *Book of Dignities*, p. 517.)

No entry of this summons appears in the published list of parliamentary writs, but this is to be accounted for by the careless way in which the roll of such writs was kept. "Until the reign of Edward II. the entries on the *Close Roll* of writs of summons and elections were extremely irregular. It appears to have been the practice for the clerk of the chancery to make out the writ from what is termed the parliamentary pawn; that is to say, a panel or schedule of parchment containing the form of the mandate, and which it was his duty afterwards to enter on the *Close Roll*. But from an examination of the records it is apparent that, compared with the documents concerning property, such business was considered of secondary importance. Sometimes the clerks allowed the panel to remain upon the file without transcribing it, or they would content themselves with tacking it as a rider to the *Close Roll;* and whilst every writ relating to land was carefully recorded and enrolled, it was long before the clerks in chancery felt it their duty to make the parliamentary enrolments with more regularity. In a constitutional point of view the fact is of great importance, since every argument arising from the non-appearance of parliamentary writs upon the *Close Roll* must entirely fall to the ground; and though the records do not furnish any writs of summons of the temporal peers anterior to the parliament convened by Simon de Montfort, still, as we have full evidence that they were issued as early as the reign of Richard Cœur de Lion, we can only attribute their absence on the roll to the carelessness of the official transcriber. This slovenliness is shown in many instances; it is not uncommon to

find a baron summoned to parliament many years after he had been summoned to the grave, to the great perplexity of the toiling genealogist, who vainly endeavours to reconcile the contradictions of the most authentic materials of the pedigree." (*Quarterly Review*, No. 77, p. 61.)

The doctrine, that summons and sitting constitute an hereditary peerage, is now firmly established; but in early times the king seems to have assumed the privilege of summoning any knight to sit in the house of lords for a single parliament. (Campbell's *Chief Justices*, vol. i. p. 86 *in notis.*) This last-mentioned circumstance therefore may enable us to understand how it happened that the barony thus created by sir William le Boteler's summons to parliament as a temporal peer became extinct, as it is said to have done in 1365 (Beatson's *Book of Dignities*, p. 517), since his direct lineal male issue continued to flourish for many generations after that time.

In the year 1296, when Alice late wife of Richard fitz William de Merton released lands to Richard le Boteler, sir William, as "dominus Willielmus le Boteler de Werintonâ," was one of the witnesses to the charter of release. (*Legh Deeds.*)

About this time also "Sire William le Boteler" witnessed Henry de Lacy's charter to his people. (*Whalley Coucher Book*, vol. iv. p. 1136.)

On the 24th February 25 Edward I. (1297) he was summoned as "William le Boteler de Werington" to a parliament to be holden at Salisbury. (Dodsworth's *MSS.*) The king, who had at first resolved to recover Guienne, changed his purpose, and now proposed to attack the king of France in his own dominions; for which purpose the parliament granted him an eighth of the moveables of all cities and boroughs (an income tax which would alarm our capitalists now), a twelfth from the rest of the laity, and a fifth from the clergy, who, for some reason or other, most favoured the war. (Henry's *Hist. Eng.*, vol. vii. p. 98.)

Upon the death of earl Edmund, the king's brother and William le Boteler's lord paramount, which happened in 25 Edward

I. (1297), William le Boteler was found to have held under him, besides his ancient Lancashire holding of one fee in Laton with its members ("cum membris"), and his original two fees in Derbyshire wapontake, which included Warrington, half a fee in Croxton and a whole fee in Lincolnshire, the same which he had held when his father died. (*Cal. Inq. p. m.*, pp. 141, 142.) The extent further informs us that Laton yielded yearly to the king 10*s.* Eltham manor and the half fee in bondage in Bultham, which William le Boteler formerly held under earl Edmund, were now held by Robert le Breton, who was formerly William's tenant. The priory of Burlington also held directly under the earl those two parts of a fee in Ingham which William le Boteler formerly held. (*Ibid.* p. 142.)

The king's superior vassals in that age, when the roads were bad and the rivers often without bridges, must have felt these frequent summonses to attend the king at places distant, and often far apart from each other, a serious grievance. In the space of a few years William le Boteler had received several such summonses to Westminster, one to Portsmouth, one to Salisbury and one to Norham. In a querulous moment he might have taken up Falstaff's complaint: "I were better to be eaten to death with rust than scoured to nothing with perpetual motion." On the 6th December in the same year he was again summoned as "William le Boteler de Werington" to attend the muster at Newcastle-upon-Tyne, to perform military service against the Scots. The English had lately been discomfited by sir William Wallace, and the earl of Surrey was about to lead a great force into Scotland to retrieve the English losses. (Henry's *Hist. Eng.* vol. vii. p. 101.)

In the same year being at Stalmine in North Lancashire, and describing himself as William le Boteler of Werington, he was witness to a charter or grant of lands in Hamilton, and in the following year he was at Walton-le-Dale where he was witness to another charter. (*Legh Deeds.*)

In the year 1298 he was at York where he was witness to an

agreement between Henry de Lee and William fitz Henry de Clifton. (Dodsworth's *MSS.*) If this Henry de Lee was the same who afterwards joined Adam Banastre on his rising against Thomas of Lancaster, he shared the fate which Adam Banastre's tomb at Lichfield informs us befell him. If Henry de Lee was the son of that Henry de Lee who married Clementina Banastre, he was William le Boteler's grandson.

On the 6th February 27 Edward I. (1299) William le Boteler de Werinton was again summoned to attend as a peer of parliament in London, on the first Sunday in Lent (8th March), to advise on the king's continental affairs. (*Parliamentary Writs*, p. 79.) But he was not summoned and did not attend the parliament appointed to be held in London to confer on the general business of the kingdom on the 13th March 1300 (*Ibid.* p. 83), and so he lost the satisfaction of seeing the king renew the great charter with the grant of some additional liberties. He was probably excused attending it on the ground of age.

In the year 1299 there was a partition of lands at Fambrig in Essex and in some other counties, of which Johanna le Butillere, as one of the collateral heirs of John fitz Richard, took a share. (*Abbreviatio Rotulor. Orig.*, p. 107.) Who this Johanna was, and that she was not one of the Bewsey Botelers, appears from this entry in the escheats (25 Edward I., 50*n*):

"Matilda wife of William Beauchamp earl of Warwick, Idonea de Leyburne wife of Robert de Clifford, and Johanna Butillere wife of Richard de Burgh, were coheirs of the aforesaid Richard fitz John." (Dodsworth's *MSS.*)

On the 22nd July 28 Edward I. (1300) the great charter, which William le Boteler had granted to his free tenants in 1292, was supplemented by the following charter from them to him:

"To all men both present and to come who shall see or hear this writing, all the free tenants or commonalty [*communitas*] of the whole town of Werinton send eternal greeting in the Lord. Know ye that we have granted, remised and altogether quit-claimed for us and our heirs

to our chief, lord William le Boteler lord of Werinton, a court burgess in Werinton with all manner of liberties, appurtenances and appendages to the same. So that neither we nor our heirs, nor any one for us or in our right, any right claim or challenge by reason of any gift or grant or any other title against the aforesaid court with all its appurtenances, liberties and appendages, shall be able at any time hereafter for ever to make, demand or obtain. In testimony whereof to this present writing for us and our heirs, we have placed the seal of the commonalty of the aforesaid town of Werinton. These being witnesses, Lord Henry de Kycheley, John de Langeton, Nicholas le Botiller, Mathew de Haydoc, Gilbert de Sothewyrth, Alan de Rixton, William de Aderton, Henry de Tildeslegh, and Gilbert de Culchit with others. Dated at Werington on Friday the feast of St. Mary Magdalene in the twenty-eighth year of the reign of king Edward." (Translated fom the original in the Warrington museum.)

Taken in connexion with William le Boteler's *magna carta* granted eight years before, this charter, which had a seal the symbol of incorporation, seems to recognise a court burgess at Warrington, and as a consequence a borough there. The houses in Warrington are called burgages in 19 Henry VI. (*Inq. p.m.* Isabel Boteler.) The name borough implied nothing more than the Saxon term "borh" a pledge, that is a pledged town in which every inhabitant was to be sworn and enrolled as in pledge or bail for his neighbour. When the term "free" was prefixed to a borough, it indicated that the place was to be exempt from the sheriff's tourn. Many of the old boroughs arose like Warrington by the grant of their manorial lords. Manchester was made such a borough in the life of its lord Thomas de Greslet, who died in 1261. Another Thomas de Greslet made it a free borough in 1301, and Ormskirk was a free borough in the time of Henry III. by the grant of its lord, Warnerius prior of Burscough. (Dodsworth's *MSS.*, and Dr. Hibbert Ware's *Parish of Manchester*, pp. 2, 44, 63, 73.) If the burgesses of Warrington had been careful to preserve their old privileges and improve them, they might have boasted an

incorporation not only earlier than that granted by her present gracious majesty, but than that of most of the other Lancashire boroughs.

On the 24th August 28 Edward I. (1300) William le Boteler, by his charter dated at Warrington, granted, released and quit-claimed to Thomas de Holcrofte and Johanna his wife, their heirs and tenants, within his fee of Warrington, that thenceforth they should have only one beadle ("bedellus") instead of the two which they had been used to find to do the service which belonged to them at and in his court and fee of Warrington; moreover he granted to them that they should all be free ("quieti") in all their wastes and assarts enclosed or to be enclosed ("approvatis vel approvandis"), except all bovates of land for which any service was due to him on the day of making those presents, that is to say the puture of one beadle; and he also granted that they should be free of "bode and wytenys," and exactly a week after, on the 31st August 28 Edward I. (1300), William le Boteler lord of Weryngton, by a charter dated at that place, granted and released to Gilbert de Culcheth, his heirs and tenants within the fee of Weryngton, that thenceforth they should have only one beadle instead of the two which they had been used to find to do the service which belonged to his court and fee of Weryngton: moreover he granted to them that they should be free of all their wastes and assarts "approved and to be approved," except all such bovates of land for which any service was due to him on the day of making those presents, that is to say the puture of one beadle; and he also granted that they should be free of "bode and wytenys," and that thenceforth also they should be free of "stallage" and "flortol." The bode here mentioned may be the bot or *emendatio* of Ducange.

It is evident that, at this time, the lord of the manor's court at Warrington, where suits were decided and important business transacted, was a place of resort from every part of his fee, however remote, and that the suitors from Tyldesley and

Culcheth, as well as those from the nearer townships of Rixton, Sankey, Burtonwood and Penketh, were required to attend it. It would appear by the foregoing charter that the lord of Culcheth and the lord of Holcroft aforetime had each been bound to find and send to the court at Warrington two beadles or bailiffs, who were there sworn to serve the lord's processes in their respective districts, and to make a return of the result to the court. The beadles were also to proclaim the assize of bread and ale when the court had fixed it. (*Cat. of MSS.*, Trinity college, Oxford, fol. 70, 76.)

The object of the mesne lords in obtaining these charters was to free themselves from the liability of sending more than one such officer each in future. By another clause William le Boteler released to them all his claim to their wastes, whether enclosed or unenclosed, within their mesne manors; that is, he gave up any share of the waste and freed them from stallage in his markets and fairs. But he reserved to himself "puture;" that is, all necessary food for one bailiff, with his horse and dog, when such bailiff was engaged in serving the lord's processes in the mesne manors. Another exemption, that of "bode and wytenys," requires a more particular explanation, which we shall give from a work of authority.

"Before the statute of *magna carta*, through the abuses of the king's officers and others, people were put to waging their law upon a bare surmise of such officers without other testimony. This waging of law consisted in requiring a defendant to clear himself by the oath of himself absolutely, and of eleven other persons who swore that what he swore was true. Now by *magna carta* it was enacted that no bailiff or other officer should put a man to his open law, nor to any oath upon his own bare saying without faithful witnesses brought in for the same. In pursuance hereof the lords of the forests, making a virtue of necessity, granted to the mesne lords holding under them that they should not put any man upon his trial by waging of law for offences within the forest upon the sole accusation of the ver-

derers without other testimony. But, at the same time, they had no power to summon any persons either as witnesses or jurymen that inhabited out of the limits of the forest, for by the statute 'de Foresta,' passed in the same year as *magna carta*, 'men dwelling out of the forest were not to be summoned before the justices of the forest unless accused of some trespass therein, or as sureties for other offenders;' therefore the lords of the forests required, at the same time, of the mesne lords that they should cause the tenants within their jurisdiction to appear in the forest courts, and give testimony to the truth either as jurors or witnesses, or in other words to find unto the foresters a *witnessman*." (Burns and Nicholson's *Hist. of Westmoreland*, vol. i. p. 23.)

And this privilege William le Boteler, like other superior lords, meant to reserve to himself when he granted the above charters to these lords of two of his mesne manors.

The year 1300 was memorable for the siege of the castle of Caerlaverock in Scotland, and the gallant assemblage of knights who there displayed their banners. Sir William le Boteler was probably one of them, for amongst the shields of the knights there occurs one bearing *azure*, a bend *or*, between six covered cups of *the same*, which our Bewsey Botelers, and only they, ever bore. (*Lansdowne MSS.*, 835, fol. 17.)

On the 12th March 29 Edward I. (1301) William le Boteler "dominus de Weryngton" was summoned to appear with horse and arms at Berwick on the 24th June following, to perform military service against the Scots. (*Parliamentary Writs*, p. 355.) The list of those summoned is probably the longest on record. By this great effort the king seemed bent on subduing to his obedience his heroic Northern neighbours; but if so, he was destined to deserved disappointment.

In 31 Edward I. (1302), by a deed dated at Warrington, William le Boteler "dominus de Weryngton" granted a piece of land in Great Sankey to one William fitz Henry de Hodleston; and from the name and title of one of the witnesses to it, we

learn that Robert le Norrays was then William le Boteler's seneschal or steward of his manor of Warrington. (Kuerden's *MSS.*) It is evident that, in selecting his seneschals, the lord of Warrington made choice of no mean men, but that he took them from the mesne lords who held under him and were of the rank of gentlemen.

In the same year Simon Trip released and quit-claimed to his lord, William le Boteler de Werynglon, a piece of land in Great Sankey called Solmebrokes, with the wood standing thereon. (*Ibid.*)

William le Boteler married Dionysia, the daughter of Henry and Joanna de Lostock. He outlived this lady, his faithful partner of many years, and after her death he showed his respect for her memory by bestowing on the abbey of Cockersand the large gift of twenty acres of land in Laton, to pray for the repose of her soul, and from the addition he made to the request he seems at that time to have intended that his body should rest in the same grave with hers; but if so, he probably abandoned that intention after witnessing the flourishing state his rising friary at Warrington had attained.

In the thirty-second year of his reign (1303) the king was again in Scotland vigorously pushing on his conquest of that kingdom. William le Boteler seems to have been in the host with him, and there, like his royal master, a few years later he bowed to the stroke of death. Whether he sank under the weight of years and the fatigues of war, or whether he fell in harness fighting in the battle of Roslin or some other well-fought field of that day, history does not inform us.

That he died the same year, however, appears clearly from a record of that date, which recites a fine levied in the ninth year of the king's reign between William de Vilars complainant and Richard fitz Radulf Brugge defendant, by which the said William granted to the said Richard and his heirs a messuage and lands in Kinalton, subject to the render of one pound of pepper and one pound of cummin; and which further recites

that, after the death of William le Boteler, Thomas of Lancaster the tenant exacted relief for the same messuage, and then commands the sheriff of Nottinghamshire to issue a *scire facias* to Mathew, son and heir of the said William de Vilars, to show cause why he should not indemnify the said Richard, whereupon the said Mathew came and said that he had no lands or tenements which had come to him by inheritance from his father. (*Abbreviatio Placit.*, 1303, p. 254; Thoroton's *Hist. Notts.*, vol. i. p. 154.)

Although sir William le Boteler, with the feeling of the old patriarch, might have said: "Few and evil have the days of my life been," yet he could scarcely have added, "they have not attained unto the days of the life of my fathers;" for not many, if any, of his ancestors had passed like him beyond three score and ten years, the allotted limit of the life of man. His life had been as full of incidents as of years. In his seventy-two or more summers he had seen the country involved for a time in the barons' wars, when, but for his prudence, he would have lost his estate. He took an active part in the conquest of Wales; shared in the king's wars against Scotland; showed energy and conduct every where; and in those intervals of his long life, which were "few and far between," when he was not engaged in some public service, he was usefully employed at home. King Edward I. showed his estimation of him by summoning him to parliament as one of the temporal barons. He may previously have served as one of the knights of the shire or burgesses, but the returns of all those who so served before 23 Edward I. are lost, and we have not therefore the means of ascertaining whether he was or was not amongst them. He was not indifferent to his own affairs, and by good management he was able to increase and consolidate his estate. He re-acquired the patronage of the parish church of Warrington, the head of his barony, which had been alienated by one of his ancestors; and he also acquired the township of Burtonwood, which was a desirable addition to the family property. He obtained the king's charters for two yearly fairs and two weekly

markets at his manor of Warrington, both which, while they were a great benefit to the neighbourhood, resulted in a corresponding benefit to himself; and, when these franchises were afterwards called in question by a writ of *quo warranto*, he manfully resisted the king's claim and successfully maintained his right to them. But he conferred a still further benefit on Warrington by the great charter which he granted to his free tenants, and by the charter which he obtained from them in return; the joint effect of both which was to make Warrington a borough, and to settle the rights of lord and tenant on a basis which both understood.

Sir William was religious after the fashion of his age. The house of the hermit friars of the order of St. Augustine at Warrington of which he is believed to have been the founder, as the latest monastic novelty, gave a great stimulus to religion and led to a revival of that devotional zeal which, overlaid by the wealth of the great monastic institutions, was beginning to languish. But, besides the friary, the religious houses of Cockersand (in which he buried his wife and secured a burial place for himself), Lytham, Stanlaw, Thurgatton and Fiskarton, all profited by his bounty; and the last-named house enrolled him on their bead roll, made him one of their brethren, and gave him — what in that age was considered a sure passport to bliss — the habit of their order. No other Boteler hitherto has occupied so much space on our pages as he whose life has just closed. It seems almost certain that sir William found a grave in the friary of Warrington, where, on the floor of their church, there once lay a carved cross-legged effigy in wood, habited in mail from head to foot, with a heater-shaped shield upon his left arm, and both hands upon his sword as if he would draw it out. (*Harl. MSS.*, 139, fol. 22.) Over his armour sir William's effigy has the *camise*. The effigy bears a great resemblance to that inscribed stone of sir John Boteler, which has been before described as lying in the church of St. Bride in Glamorganshire. (*Monumental Brasses*, pl. xxxii. 2.) These effigies in wood were not uncommon in and before the time of Edward I. The effigy of Robert of Nor-

mandy in Gloucester cathedral, made it is supposed some time after his death, is of this kind; and so also were those of sir Hugh Bardolph in Barham church, who died in 1204; of archbishop Peckham, who died in 1292; and of William de Valence earl of Pembroke in Westminster abbey, who died in 1296. (Bloxham's *Monumental Architecture*, p. 142; and *Notes and Queries*, June 18th 1853.) The arms which originally adorned William le Boteler's shield were worn away and had perished before the account of it which has come down to us was taken; had they remained we should probably have seen on it the shield *azure*, with the bend *or* between six covered cups of the same.

About this time however the Botelers certainly began either to empale or quarter the shield *argent* with the lion rampant *gules*, the arms of Lostock, which seem to have been the arms of Dionysia de Lostock the wife of William le Boteler. At Caerlaverock the proper Boteler shield was borne without empalement or quartering.

The issue of William and Dionysia were as follows:

(1.) Henry le Boteler, who died in his father's lifetime.

(2.) Richard, who in 1292 made a deed to which his brother Henry was a witness, was probably the person called Richard le Boteler of Eccleshale in 23 Edward I. (*Legh Deeds* and *Bold Deeds.*)

(3.) William, mentioned in his father's confirmation of the grant of Alt mill by William Blundell to Whalley abbey (*Coucher Book*, vol. ii. p. 495); and who is also mentioned in a deed of about 1297, which is witnessed by "dñs Ws. le Boteler, Hen. filius suus et Willielmus frater ejus." (*Legh Deeds.*)

(4.) Isabella, who as we learn from the following deed was the wife of Randle Starkey of Stretton: "I, Randle Starkey, lord of Stretton, have given to Randle my son by the lady Isabella, daughter of William Pincerna of Werington, all the land which I have in the vill of Comberbach, and the land and buildings in Stretton which Roger Hulcocke held." (Sir Peter Leycester's

liber C., p. 135.) According to sir Peter the date of this deed was about 1288.

(5.) Elena, married James Banastre, son and heir apparent of Robert Banastre baron of Newton, who died before his father, leaving his daughter by Elena to succeed him. In the Townley pedigrees Elena is called the daughter of William le Boteler baron of Warrington, and a deed (H.H. 1930) in the Townley collection, is referred to as proving it. The author of the *History of Lancashire* however makes Elena the daughter of Boteler of Rawcliffe, but this is corrected in the *Whalley Coucher Book* (vol. i. p. 115).

CHAPTER XII.

HENRY FITZ WILLIAM LE BOTELER.

HENRY, the eldest son of WILLIAM FITZ ALMERIC LE BOTELER, is mentioned in the *Coucher Book of Whalley*, (vol. ii. pp. 417, 423,) in 9 Edward I. (1281), whence we may presume he was then of age. But Flower in his note on the pedigree says: "He married and had issue in the time of Henry III., since the beginning of his reign 42 years;" by which, if 1258 is the year meant, the herald's conjecture must be wrong, as Henry le Boteler was scarcely then born. In the same year, when he was one of the witnesses to an undated agreement between the lord Geoffrey de Dutton and Alan de Rixton, he is described as Henry Pincerna. The agreement is so curious that we may be pardoned if we give a few particulars of it. By it the two parties agree to make a weir in their common water of Mersey between Warburton and Rixton, in such wise that neither of them should make a headyard or other impediment to the taking of the fish; and for this agreement the said Geoffrey agreed to give to the said Alan two and a half marks of silver, and to his wife one cow. Moreover, it was agreed that the said Alan and his heirs should cause his men in Rixton to make the said lord Geoffrey's part of the said weir at their own costs for ever, and should cleave wood (*meryn*) on the said lord Geoffrey's part for the said weir; and the lord Geoffrey and his heirs at their own costs should find wood and carry it to the weir for ever. And the said Geoffrey then gave into the hands of the Rixton men 18*s*. and one bacon for their labour. And he also granted them all his

part of the fish which should be taken in the weir from *nones* on Saturday to *nones* on Sunday for ever; and if it happened that the weir failed to stand, they should then make it under the oversight of the said Geoffrey and Alan, so that it should be stable and permanent. And if the men of Rixton should be overburdened with the labour and cost, the said lord Geoffrey at his pleasure would make them a gratuity. And of the fish taken by nets in the proper water of Mersey, either of the said Alan or of the said Geoffrey, the owners of the nets should take one half, and the other half should be equally divided between the said lord Geoffrey and the said Alan and their respective heirs. And each of the parties swore to observe the agreement on pain to forfeit 60*l.* to the use of the church of St. John the Baptist at Chester. (Translated from the original at Arley, box i. No. 36.)

About 1261 he was one of the witnesses to the acquittance of the xl. marks for which Hugh de Hindley was bound to his father, William le Boteler.

When the forest assize took place at Lancaster in 15 Edward I. (1286), Henry le Boteler was one of the verderers who acted upon it. (*Hist. Lan.*, vol. i. p. 251.)

About the same time, being described as "Henry Pincerna," he was witness to one of the Lilford deeds.

In the year 1297, when the king called a parliament to raise money for the invasion of France, Henry Pincerna, who was then called Henry le Boteler, was returned knight of the shire for Lancashire, having for his colleague Henry de Kighley; but dying in the same year his name does not occur at the next election, though his colleague's does. (*Hist. Lan.*, vol. i. pp. 295, 296.) In the same year Richard le Boteler of Merton granted lands to his widow, "dña Isabella quondam uxor Henrici le Boteler." Of this Merton, which was probably part of the fee of William Peverell, we read in the *Testa de Nevil* (p. 372) thus: "Merton est escaeta dñi R. et valet xxiv^{s}."

Isabella, the wife and afterwards the widow of Henry le Boteler, was a daughter of the first Richard le Boteler of Merton,

and was consequently first cousin once removed to her husband.

On Sunday 31st October 33 Edward I. (1305) she ordered John de Steynol her tenant to pay vii^{s} out of his rent of her lands in Great Merton to father Humphrey, one of the monks of Whalley, and if he made default he was to forfeit ii^{s} to Norman le Boteler. (*Whalley Coucher Book*, vol. ii. pp. 452, 453.)

In the year 1311 she is again mentioned in one of the *Legh Deeds;* and she was still living in the year 1328, when she made a lease to Richard le Boteler of lands in Merton and Warbreke. (*Legh Deeds.*)

The issue of Henry and Isabella le Boteler were:

(1.) William fitz Henry le Boteler the eldest son, who on the death of his grandfather succeeded to the barony of Warrington.

(2.) Norman, who has already been mentioned as referred to in the *Whalley Coucher Book* (p. 452), by an undated charter granted certain lands in Little Sankey to William fitz Roger de Sankey, for which Roger and Agnes his wife were to maintain Norman's son and daughter, William and Agnes, and to pay Norman half a mark as rent during their lives. (*Legh Deeds.*) Henry fitz Norman afterwards, by a deed dated 2 Edward III., re-leased these lands to Thomas and Mabel de Hale, to whom William de Sankey had granted them. (*Ibid.*) In 1301 Roger de Sankey and Agnes his wife sued Thomas son of Robert de Gredley, and recovered damages against him. (Harland's *Mamecestre*, p. 251 *in notis; Warrington in* 1465, p. 46 *in notis*, Chetham soc., where there is another notice of Roger.)

(3.) ——— a daughter, who married Richard (or according to the *History of Oldham*, Robert) fitz Henry de Radcliffe. (*Hist. Whalley*, p. 401.)

(4.) Sir John le Boteler made his submission and did fealty in 24 Edward I. (1294.)

Amongst the proffers of services made at Carlisle in 28 Edward I. (1299) the prior of Coventry (in or near which place the Botelers had possessions) offered to perform the service of two

knights' fees by John Butler and three others with horses. (*Record Commn.*, vol. i. p. 212.) In 32 Edward I. (1303) sir John le Boteler was among the knights at the siege of Stirling. (*Ibid.*) Blind Harry the Scottish bard relates in graphic terms how a sir John Butler, governor of the English garrison at Perth, tracked sir William Wallace with a hound, and was by that hero taken and slain about the year 1305. (Chambers' *Cyclop. of Eng. Lit.*, vol. i. p. 31.) But it seems from the *Fœdera*, vol. i. pp. 869, 938, that this sir John was an Irish magnate. Dugdale (*Baronage*, p. 658) says John fitz William le Boteler was summoned to parliament in 11 Edward II., but neither William nor John occurs in the *Close Roll*. The only Boteler there mentioned is Boteler of Wemme.

CHAPTER XIII.

SIR WILLIAM FITZ HENRY LE BOTELER, EIGHTH BARON.

Sir William Fitz Henry le Boteler was born about the year 1275, and succeeded his grandfather of his own name in the possession of the Boteler estates in the year 1304. A charter without date, which however, from another to be shortly mentioned, appears to have been made in the year 1305, is worthy of attention since it contains the first notice we have of the existence of any bridge over the Mersey at Warrington, and the second notice of the existence of the friary, and shows that the lord of the manor—unwilling that Warrington should be what the village of Glenburnie was before it was purified, or like Paris before 1131 when an order was made forbidding that swine should be allowed to roam loose in the streets—took steps to secure health and decency in the place. By this charter William le Boteler, calling himself "lord of Werinton," granted to William de Hereford a place of land lying between the house of Lawrence the baker and the bridge of the *Merse* at Werinton, and granted him also an acre of land in Alderswell, lying near the ditch of the friars of St. Augustine at Werington with the appurtenances; except that the said William de Hereford or his heirs were not to place any dung or filth upon the highway or anywhere else but upon their own land or outside the town, were to pay yearly five shillings rent, to grind all their grain and malt at William le Boteler's mills in Werinton and Sankey, and were also to do foreign service (*forinseca servitia.*) The

witnesses to this charter were Mathew de Haydoc one of the neighbouring gentry, and lord William's seneschal or steward Thomas le Kytelington, Richard the provost (*prepositus*) of Werinton, William de Merland, Henry the smith, and Robert the clerk, who, as we shall find, was Robert de Quitfelt or Whitfield. (Lord Lilford's *Deeds*.)

This charter was quickly followed by another which bore date at "Beause" on St. Dunstan's day, 19th May 33 Edward I. (1305), by which William le Boteler "lord of Werinton" granted to Jordan fitz Robert de Sonke a plot of land lying between the above-mentioned plot held by William de Hereford, near the bridge of the Merse on the one side, and the silche (a ditch or drain) which falls into Merse water between the burgage of William fitz Pimme and the curtilage of [a house of] William le Boteler, saving to each a reasonable road of 24 feet wide. (*Ibid.*) The witnesses to this deed are the same persons who witnessed the previous deed, and in it Robert the clerk is expressly called Robert de Quitfelt.

Dugdale in his *Baronage* (p. 653) informs us that in 34 Edward I. (1305) William le Boteler was in the expedition then made into Scotland to subdue the hero Wallace. But history makes no mention of any such expedition being made in this year.

On the 1st August 1 Edward II. (1307) William le Boteler "dominus de Werinton" granted to Robert Tayt and Amicia his wife an acre and a half of land in Burtonwood, and the agistment in the forest of two oxen ploughing the land there. (*Bold Deeds*.)

Edward I., who was now at the head of a mighty army on the way to Scotland to inflict further wrongs on that gallant nation, sickened and died at Burgh-on-Sands, near Carlisle, on the 7th July 1307.

Such an event as the demise of the sovereign happening at the present day would be known in a few hours or even minutes all over the kingdom; but for a period of eighteen days the news of

the king's death did not reach the chancellor in London, and up to the 25th July he continued to affix the great seal as usual to writs in the name of the monarch who was now no more. (Lord Campbell's *Lives of the Lord Chancellors*, vol. i. p. 187.) If we contrast this with the speed at which at a much earlier period the news of events in England travelled from thence to Rome, it will appear still more strange. When Cæsar was in Britain he sent home to Cicero frequent accounts of his progress and success, and as he was quitting the island he wrote to him that he had taken hostages and imposed a tribute. All these letters Cicero received at Rome in less than a month from their date, and he takes express notice of one of them that it reached him on the twentieth day after its date, a despatch which would have been remarkable for its speed even down to modern times. (*Cicero's Life and Letters*, by Middleton, p. 138.)

In the next Boteler deed we meet with, which is dated 1 Edward II. (1307), William le Boteler is expressly called "William fitz Henry le Boteler." (Lord Lilford's *Deeds*.) On the 13th September in the same year, Robert de Staunton re-leased to him all his rents and services in the lands formerly of Elye de Lacy and William de Breton in Crophill-Boteler, and also one selion of land in William's court there. (*Bold Deeds*.)

By another deed dated 2 Edward II. (1308), William le Boteler "lord of Werinton" leased to Richard, late servant or *gilly* (garcio) of William le Parker, who was probably William le Boteler's park keeper, five acres of land in Burtonwood for twelve years at the rate of 5*s*. a year, which gives us 1*s*. an acre as the rent of farming land at that time. In Canterbury, a very ancient city, eight acres of land at the time of the Conquest were let at 1*s*. 10½*d*. an acre; but that part of England was then more populous and the land better cultivated, so that William fitz Henry le Boteler's land was probably not underlet at 1*s*. an acre.

About this time William le Boteler seems to have been possessed with the spirit of acquisitiveness, for Gilbert son of Gilbert Eguarin re-leased to him as his lord an acre of land near

the new mill in Sankey; and Richard the son of Adam Basely re-leased to him a messuage and land in Great Sankey. (*Bold Deeds.*) And in the same year he acquired some other possessions in Warrington from Adam le Norays. (Lord Lilford's *Deeds.*)

On the 1st January 1 Edward II. (1308) Alan le Heet granted to his son Thomas three acres of land in Weryngton abutting on one side upon the heath ("*moram*"), and on the other on the king's highway.

On the 26th October 1309 he received, as William le Boteler de Werinton, the king's commands from York to hasten with others to the assistance of the Scottish marchers. (*Rot. Scot.*, vol. i. p. 78*a.*)

In 1310 on the death of Henry earl of Lincoln, William le Boteler of Warrington seems to have held under him one part of a fee in great Merton, part of the Lancaster fee.

On the 5th July 3 Edward II. (1310) the king, at the instance of his "beloved and faithful Robert Darcy" (who this person was or what was his connection with the neighbourhood nowhere appears), towards repairing and maintaining the bridges of Werington and Sonky in the county of Lancaster, granted that for five years then next ensuing there should be taken by the hands of William le Boteler of Werington and Robert le Norays, or of those whom they should appoint and for whom they would answer, certain customs (or tolls) on all articles brought over those bridges for sale; which articles for greater convenience we shall classify under several heads, adding occasionally a few such explanatory notes as may seem to be necessary. And first, under the head of

Animals.

The toll to be paid for every horse, mare or cow, was a halfpenny; and for every ten sheep, goats or swine, a penny.

Articles of animal food.

The toll to be paid for every cartload of flesh, whether fresh or salted, was a halfpenny.

For every five bacons, the same.

For every dozen lampreys, before Easter, a farthing. (For this fish, which formerly abounded in the Mersey, one of the charters by *mistake* makes the toll a farthing for each fish.)

For every thousand herrings the toll was a penny.

For every horseload of sea fish, the same.

For every hundred salted mulvel the toll was twopence. (This fish — the *molva* of Linnæus, the *mylwin* of Ducange who says it abounds on the Lancashire coast, and the *milwell* of Cowell's *Interpreter* — was probably the grey mullet which was formerly common in the Mersey. A cartload of milwells entering London, according to the *Liber Albus*, only paid a halfpenny toll.)

For every cartload of halberdyne the toll was one penny. (Halberdyne was codfish, either salted or of a size to be salted. If we are to believe the poet it was a luxury, for he says:

> "And warn him not to cast his wanton eyne
> On grosser bacon and salt halberdyne.")

Agricultural produce.

For every weigh of cheese and butter the toll was one farthing.

Every tun of wine or cyder, or other fermented liquor, three halfpence.

Every cartload of honey, a penny.

Every horseload of grain, of any kind, a farthing.

Every cartload of barley, of any kind, a halfpenny.

Every two thousand onions, a farthing.

Every eight sheaves of garlic, the same.

Every ten flagons of oil, a penny.

Every quarter of salt, a farthing.

Every weigh of fat and lard, a penny.

Clothing.

Each piece of cloth, a halfpenny.

Every hundred pelts of sheep, goats, stags, hinds, deer, does, hares, rabbits, foxes, cats and squirrels, a halfpenny.

Every ten fleeces, the same.

Every hide, either fresh, salted or tanned, a farthing.

Every hundred skins of vair, sixpence. (The original is *grisei operis*, which Ducange says means vair skins. They were certainly skins to be used as fur.)

Every bale of cordovan leather, threepence. (Shoemakers are called cordwainers from this leather, which came originally from Spain, but was afterwards made in England from goats' skins.)

For every hundred linen webs, a halfpenny.

For every hundred Aylsham webs, a penny. (Aylsham, where this cloth was made which was famous in old time, is a place in Norfolk. It is mentioned in some law proceedings after the death of good queen Eleanor the consort of Edward I., where a hundred ells of this cloth are said to be worth 16*s*. The statute *De Ponderibus et Mensuris* says that the measure of cloth was to be that of Aylsham, and that every hundred ells was to consist of six score. The cloth is also mentioned thus by an old poet :

"Towellys of Elysham,
Whyte as the seey's fame.")

For every cartload of canvas, Irish cloths or Galways, threepence.

For every hundred worsteds (another Norfolk manufacture), twopence.

For every piece of samit (that is silk diapered with gold of velvet tissue), one penny. (A modern poet has this allusion to samit :

"There lay she all her length and kissed his feet,
As if in deepest reverence and love ;
A twist of gold was round her hair, a robe,
A samite without price, that more exposed
Than hid her, clung about her lissome limbs ;
In colour like the satin shining palm
On sallows in the windy gleams of March."
Vivien, *Idylls of the King*.)

For every piece of silk without gold, a halfpenny.

For every piece of sendal, a halfpenny. (*Sendal afforciato,* the term used, means sendal strengthened or stiffened. What it was we learn from these lines of Gower:

> "The chamber was all full of lights,
> The curtains were of sendal thin.")

For every piece of bawdekin, the same. (A fabric of gold and silk, so called from Baldack in Persia, whence it originally came.)

For every sack of wool, a halfpenny.

For every horseload of cloth or other small articles, a halfpenny.

Household articles.

For every hundred faggots of wood, a farthing.

For every cartload of wood, a halfpenny.

For every cartload of coals, a halfpenny.

For every thousand turves, a farthing.

Metals.

For every hundred-weight of tin, brass or copper, twopence.

For every cartload of iron or lead, a penny.

For every hundred horseshoes and strakes for wains, a farthing.

For every hundred-weight of verdigris, copperas, argil or alum, a halfpenny.

Miscellanies.

For every ship coming to the town with merchandise, threepence.

For every quarter of tan, a farthing.

For every hundred steel gads, a halfpenny.

For every truss of merchandise of the value of 5*s.*, a farthing.

For every hundred-weight of merchandise sold by weight, a penny.

For every ten stone of hemp, a farthing.

For every millstone, a halfpenny.

For every quarter of wood, twopence.

For every other article not before specified, of the value of 2*s.*, a farthing.

Few as were the articles, which at the time of this charter were subjected to an *octroi* on being imported into Warrington, they are quite as numerous and as various as those brought either into Liverpool or any other provincial town at the same time. With some of the articles mentioned we are no longer familiar, as vair or grise work, Aylsham webs, sendal, bawdekin, the fish mulvel and halberdyne. But if there are some which have disappeared, we fail to discover others that we might more especially have expected to find, as bows and arrows, shields, spears and swords, with other arms and armour offensive and defensive. At a later period John Gargrave, who seems to have been famous for making bows, received 4*l.* 6*s.* 8*d.* for one hundred bows to store the armoury at Chester castle. (*Cheshire Records*, 8 Henry V.) Except wheat and barley no mention is made of any other grain, nor of any seeds of hay, clover, rye, or other artificial grasses; and it contrasts most disadvantageously with the products of our market now, for we find in it no fruits of home or foreign growth, either fresh or preserved; no pot-herbs, no potatoes, so that our ancestors could not follow old Parkinson's direction as to cooking the latter, which was to boil them, let them go cold, and then eat them mixed with oil, vinegar and pepper. There is no mention of either turnips, carrots, greens, or (except onions and garlic) any other vegetables, some of which even at that time were seen at the tables both of the rich and the poor; no tobacco, no sugar, no tea, no coffee, no geese, ducks or poultry, no eggs, no cottons, no calicoes, no confectionery, no earthenware, no stationery, and no books are mentioned, and happily there are no quack medicines. The ships which the list mentions as arriving with merchandise must have been a Lilliputian race — not in any way to be compared with those great leviathans which a few years ago first floated in the waters of the Mersey at Bank quay, and one of which carried upwards of three thousand tons.

Some of our readers may be surprised to find pit coal mentioned among the articles brought to the Warrington market for

sale; but several of our early local charters mention *minera carbonum*, mines of coal, as existing in the neighbourhood. Some of our readers however will be still more surprised to find how much earlier this useful mineral was known to the ancients. "Few are aware," says a writer of authority, "that the use of coal for fuel can be traced back to the early times of Greece. Theophrastus, treating of the *anthrax*, says, those which are properly named coals, on account of the use made of them by the luxurious, ignite and burn exactly like charcoal. They are found in Liguria, in the same region as the amber; and also in the territory of Elis on the mountain road to Olympia, and these are used by blacksmiths for fuel." (King *On Decorative Stones or Gems*, p. 132.)

William fitz Henry le Boteler's possession of Warrington was an æra very fertile in local charters, to most of which he was a party, and from them we learn that a shilling an acre was still the rent of farming land in Burtonwood. His ancestor, as we have seen, had provided for his jester. He himself had made a small grant to the boy or *gilly* of his park keeper, and on the 2nd January 6 Edward II. (1313) he gave a burgage in Warrington to "Geoffrey his cook." (*Bold Deeds.*) The cook, as we have seen, might have from his master's garden or the market, onions and garlic to season his soups and dishes; but he had only a scant supply of other vegetables to set out his table, and without these even a "*Columbus* of cookery" could not do full justice to his art.

On the 24th July 7 Edward II. (1313) William le Boteler "lord of Werington" leased to Henry le Parker and Hawisia his wife, for life, twenty-four acres of land in Burtonwood, with housebote and haybote in his ancient park at Beause, at the rent of 3*s.* a year. (*Bold Deeds.*)

In another charter, probably made about the same time, mention is made of "the carver," an officer very necessary at his master's table in the great hall. By this charter William le Boteler granted to Richard de Celis two and a half acres and one-

sixth of another acre in "Stepesthreleche" in Werington, in the holding of Elias the carver, "*conscissor.*"

In a charter dated at Beause on the 8th September 7 Edward II. (1313) we have a circumstance which deserves to be noticed. Gregory VII. (pope Hildebrand as he has been called) at the end of the eleventh century had, as he thought, established the celibacy of the clergy; but long after this period married priests were to be found, and even so late as the year 1413 it became necessary to enact that no married priest should exercise any spiritual function. (Hook's *Archps.*, v, 36; and *British Archæological Journal*, p. 379.)

The charter to which we have just referred shows that Hildebrand's order was disregarded at Warrington in 1313, for by it William le Boteler leased land in Burtonwood to Robert de Wygan clerk and Agnes his wife and Joan their daughter. Wygan as a name is not wholly new in these annals, for it will be remembered that it was the name of the champion whom William le Boteler's man of law produced to fight for him against Walter de Stanton's champion Utting.

On the 16th October 7 Edward II. (1313), when the king granted to Thomas earl of Lancaster's adherents his pardon for the part they had taken in the murder of his favourite, Piers Gaveston, William le Boteler's name, without any place being designated, appears in the long list of those pardoned; and, as the Botelers of Bewsey held most of their lands under that earl, it is probable that William, the then head of the house of Bewsey, was the person so pardoned. (Rymer's *Fœdera*, vol. ii. pp. 231, 232.)

On the 18th December 7 Edward II. (1313) William le Boteler leased to Thomas del Barwe and Selicia his wife, whose name is curious, four acres of his land in Great Sankey, between the lands of Robert de Wigan clerk and the lands of Edward Scot, for their lives, at the rent of 4*s.* a year (*Bold Deeds*); and on the 9th April 7 Edward II. (1314) he leased to William Muskil and Amota his wife two acres of land in Burtonwood for life, at the rental of 2*s.* (*Ibid.*)

We may place about this time two undated charters relating to Warrington. One of these mentions "William the freremon," and is witnessed by many persons, amongst whom are John de Anyers, Thomas Banastre, Gilbert de Sotheworthe, Robert de Whitfield the clerk, John de Ullebryche, Gilbert the clerk, and William le Gentil, the same person who a few years later made himself remarkable by falsifying the return of the knights of the shire for Lancashire. (*Hist. Lan.*, vol. i. p. 299; lord Lilford's *Deeds.*) The second of these charters mentions "Gilbert the anchorite," and is witnessed by the lord Michael de Furness, James the priest, Alan de Foet, Hugh de Woltelawe, Robert Pincerna, Robert de Samlesbyri and Hugh de Sonky. (Lord Lilford's *Deeds.*)

In the year 1314 was fought the great battle of Bannockburn, in which the English force suffered a shameful defeat, but whether William le Boteler was with the host and shared in its disgrace history does not inform us. On the 30th June following however he was certainly summoned, amongst the great men, as William le Boteler of Warrington, to repair to Berwick-upon-Tweed to resist and repel the Scots; and he doubtless obeyed the summons. (*Rot. Scot.*, vol. i. p. 145*b*.)

On the 5th July 9 Edward II. (1315) Hugh Brown of Thelwall granted to his son John and his heirs a burgage in Warrington, between the house of Richard del Lee and the house of Henry le Lorimer, with a curtilage lying to the west of Adam le Coup's former curtilage. The deed is witnessed by sir Peter de Dutton knight (who afterwards, from his place of residence, called himself "de Warburton"), Geoffrey de Dutton his son, Gilbert del Twys, Simon del Hurst, Robert le Hunter of Thelwall and Thomas Danyers. (*Bold Deeds.*)

On the 26th May 11 Edward II. (1318) William le Boteler, by a deed dated at Beause, leased to Ralph le Cartwright and Alice his wife for their lives, four acres of land and a house in Burtonwood, which Ralph had probably built on the land, subject to a rent of 4*s.* a year for the first two years, and 6*s.* a year after-

wards. By the deed Ralph and Alice were expressly bound to grind all their corn and malt at William le Boteler's mills in Burtonwood, Weryngton and Sonkey; and they were to have pasturage in the forest for three oxen and one heifer "affrum" employed in tilling the above land, except only in the mast season "*pessonæ*." (*Ibid.*)

In 14 Edward II. (1320) a fine of the manor of Laton was levied at Lancaster, in which William le Boteler and Sibilla his wife were complainants and John de Stanton was defendant. (Lord Lilford's *Deeds.*) This fine, in which we have for the first time the name of William's wife, was no doubt levied to carry out some family settlement.

On the 21st May 15 Edward II. (1321) the king, by his letters patent dated at York, empowered his "beloved and faithful" William le Boteler lord of Werington, towards the paving of the town, to collect and receive for five years next ensuing tolls on all articles brought to Warrington for sale, similar to those before granted towards repairing and maintaining the bridges at Warrington and Sankey. (*Patent Rolls.*)

At the end of the eleventh century the streets of London we are told were still unpaved. (Beckmann's *Hist. Inventions*, vol. ii. p. 30.) Liverpool was not paved until 2 Edward III. (1329), and Wigan not until five years afterwards (Baines' *Hist. Liverpool*, p. 140; and *Hist. Lan.*, vol. iii. p. 533); while Dijon, although a great city and the capital of Burgundy, remained unpaved until 1424, nearly a century after the first paving of Warrington. (*Hist. Dijon.*) If the Warrington letters patent for paving the town were sought and obtained at William le Boteler's expence, which seems almost certain as he is the only person to whom they are addressed, he is entitled to great praise for his foresight in thus providing for the town paved streets and good roads, which are the heralds of progress and the forerunners of an advancing civilization. Leland, in the time of Henry VIII., must have found the Lancashire towns chiefly unpaved, for he mentions as a peculiarity of Warrington that it was "a paved town."

The king's turbulent cousin and subject, Thomas earl of Lancaster, "a man bustling without vigour and intriguing without abilities," but withal a man of great riches and power, had taken upon him, without the king's consent, to summon a great body of the nobles and others his retainers to meet him in a sort of little parliament to redress grievances. The meeting was to be held at Doncaster on the 29th November 1321; but such a meeting in open defiance and usurpation of the king's authority was not to be borne, and accordingly the king, who was vigilant enough, on the 12th November previous issued his monition to the nobles and others, amongst whom was William le Boteler "of Waryngton" one of the earl's tenants, expressly forbidding them to attend the intended meeting.

The earl however was headstrong as well as rebellious. The inhibited meeting took place; and the fruits were *that* rising in arms which history tells us of, and which ended in his being made prisoner in the battle of Boroughbridge and being beheaded before his own castle at Pontefract on the 22nd March 1322.

Wisely heeding the king's warning William le Boteler absented himself from the meeting at Doncaster, but all his family were not equally wise; for his kinsman, Richard le Boteler of Merton, followed the leading of Thomas earl of Lancaster, and lost in consequence both life and fortune. His estates, which were not inconsiderable, are thus enumerated in the escheats of the sixteenth year of Edward II.:

The manor of Great Merton, a messuage and four bovates of land in Staynolf, ten acres in Stalmyn, a messuage and half a bovate of land in Northecrosse, three burgages and five acres of land in Warrington, a rent of 8*s.* in Merton, and some land in Little Laton. (*Cal. Inq. p. m.*, p. 304.)

A late deceased antiquary has printed under the date of the year 1311 what he calls a feodary of the duke of Lancaster, but as there was neither then nor for forty years after any duke of that name, it is evident that to ascribe to the duke of Lancaster

the so-called feodary is clearly a mistake. (Gregson's *Portfolio of Fragments*, p. 333*; Harland's *Mamecestre*, vol. ii. p. 256, vol. iii. p. 442, Chetham soc.) The document however, though not a feodary but an inquisition, must from internal evidence have been taken in 1322, and it was most probably the inquisition post mortem taken after the death of earl Thomas in that year, amongst whose vast possessions was the honour of Lancaster, which included the estates held under it by William le Boteler. In this inquisition we read as follows: "William le Boteler of Werington holds the manor of Werington, Sonkey, Penketh, Rixton, Glazebrook, Culchith, Tyldesley, Penyngton, Atherton, Halsall, Ince-Blundell, Lydeate, Egargarth, Windhull, half a carucate of land in Barton, two carucates of land in Thornton, by homage and service 26*s.* 8*d.* yearly at St. John the Baptist's day, whereof 16*s.* 8*d.* is for sak fee for the wardship of Lancaster castle, and one pound of cummin or 1½*d.* for the aforesaid manor of Halsall at Christmas day." Sak fee is said to be a fine to the lord's court. (Hibbert-Ware's *Annals of Manchester*, p. 85.) And be it remembered that Gilbert Halsall, who holds the same manor from the said William, does suit at the county court at Lancaster from six weeks to six weeks and at the wapontake court at West Derby from three weeks to three weeks for the same. And Peter de Burnhull, who holds the said manor of Windhull of the said William, does suit as above for the same at the aforesaid county and wapontake courts. (Alan, who formerly held it, was dead before 8 Edward II., for Peter then exemplified one of his charters.) William Blundell, who holds the manor of Ince of the said William le Boteler, does suit as above for the same at the aforesaid county and wapontake courts, as for two knights' fees, whereof seven carucates of land make a knight's fee.

The same William le Boteler holds the manor of Bold by the [rent] service of 10*s.* for all services at the annunciation of the Blessed Virgin Mary and the nativity of John the Baptist, and Robert de Bold, who holds the same manor of the said William,

does suit for the same as above at the county and wapontake courts aforesaid.

The same William holds Burtonwood by the [rent] service of 1*d.* yearly at Easter, for all services.

The lord of Tildesley holds of William le Boteler one-tenth part of a knight's fee in Tildesley, which Henry de Tildesley formerly held of the heirs of Almeric Pincerna, and he of the earl Ferrars, and he of the king.

The lord of Culcheth holds of the same William four parts of a knight's fee in Culcheth, the same which Adam de Culcheth formerly held. (It was Gilbert not Adam that we read of in a former inquisition.)

The lord of Rixton holds of the same William five parts of a knight's fee in Rixton and Glazebroke, which Alan Rixton formerly held. (The lord of Rixton's holding is mentioned in a former inquisition by mistake as being in Astley.)

Adam de Boteler holds a knight's fee in Sonkey, which Robert de Samlesbury formerly held.

Henry de Atherton of Atherton holds of the said William ten parts of a knight's fee in Atherton, which William de Atherton formerly held.

The lord of Penketh holds of the said William twenty parts (one-twentieth part formerly) of a knight's fee in Penketh, which Roger Penketh formerly held.

William Blundell holds of the said William two parts of a knight's fee in Ince-Blundell with four bovates of land in Barton, which Richard Blundell formerly held. (This holding was formerly called one-third of a knight's fee in Ince and Barton.)

Othus de Halsall holds of the said William ten parts of a knight's fee in Halsall, which earl Ferrars formerly held. (In the former feodary the earl is said to hold a third part and a twentieth part of a knight's fee in Hoole, Halsall and Windhull. Othus de Halsall's father Gilbert died in 1322, and Othus had just succeeded to the estate when the inquisition was taken.) (*Mamecestre*, vol. iii. p. 454 ; *Lanc. Chantries*, p. 115, Chetham soc.)

The heirs of Windhull hold of the said William ten parts of a knight's fee in Windhull, which the same earl formerly held.

Gilbert de Scarisbrick and John fitz Benedict de Lydiate hold of the said William a tenth part in Lydiate and Egargarth, which William de Waleton and William de Lydiate formerly held.

Richard Molyneux of Sefton and the heirs of Margery de Hokelaw hold of the said William a fifth part of a knight's fee in Thornton, which Adam de Molyneux and Robert fitz Robert formerly held.

And a little further on :

William le Boteler holds the manors of Great Laton, Little Laton, Bispham and Warbreke by homage and the [rent] service of xv^{s} iiii^{d}, and by the service of xiii^{s} iiii^{d} on St. John the Baptist's day and ii^{s} at Michaelmas, and the service of one knight's fee and doing suit at court.

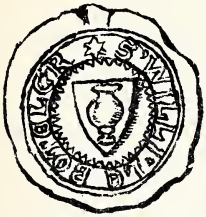
To this inquisition, or feodary as it has been called, the antiquary who gives it has appended an account of the arms granted to the Botelers by Dalton, Norroy king-at-arms. These arms give rise to a question which has much puzzled many antiquaries as to how and from whom the Botelers acquired the right to quarter in their family escutcheon the shield *argent*, with the lion rampant *gules*, which first appears in it about this time. This may be considered to have been the dawn of the palmy days of heraldry, when the individual right to armorial bearings was both respected and protected. *Non verbis sed rebus* was then the herald's motto, but it was given up when the rebus came into common use in tavern signs. (*Manchester Guardian*, 18th September 1856.) The arms *argent*, a bend *or*, with six covered cups, with which William Boteler sealed in 1327, though they were canting, were surely better than the arms of their namesakes the Cornish Botelers, who took for their arms three toads for no better reason than because in the old French a toad is called a *bote*.

In the reign of Edward I. the Hindleys, who succeeded the

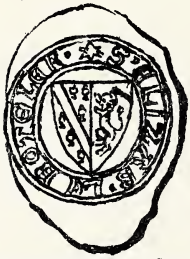
WILLIAM LE BOTELER
28 Edward I.

SIR WILLIAM LE BOTELER.
2 Edward III.

SIR WILLIAM LE BOTELER.
7 Edward III.

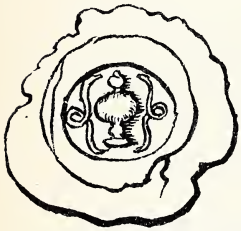


SIR WILL: BOTELER.
1346



ELIZABETH, Wife of
SIR WILL: BOTELER.
1346.

SIR WILL: LE BOTELER
1367.

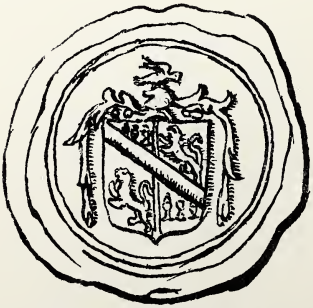


MONSIEUR JOHN BOTELER.
1394.

WILLIAM BOTELER.
Fils de Mons: John Boteler
1394

SIR THOMAS BUTLER
From his Will, 16th Aug. 1520.
NOMEN VENERANDUM.

SIR THOMAS BOTELER
22 Henry VIII



EDWARD BUTELER ESQ.
1584.
The last of his race.

THOMAS BOTELER.
35 Henry VIII.

Culcheths and took their name, assumed a shield which bore a bend between six fleurs-de-lis, which resembled and was probably intended to be allusive to the shield of the Botelers, their paramount lords. In the year 1346, when impalements were still rare, Elizabeth the wife of sir William le Boteler empaled the lion rampant with her husband's arms. In the year 1367 William le Boteler lord of Warrington, with the original Boteler coat used for his crest a covered cup supported by two doves, a crest which was afterwards abandoned or forgotten, for the second sir John le Boteler, who died in 1463, is said to have used the unicorn for his crest.

Between the years 1558 when Dalton was created Norroy king-at-arms, and 13th December 1561 when he died, he granted to the third sir Thomas Boteler of Bewsey these arms: 1st and 4th *azure*, a bend *or* between six covered cups *or*; and 2nd and 3rd *argent*, a lion rampant *gules*, with the crest of a unicorn in full speed *argent*, armed, hoofed, maned, tailed and bearded *or*, about his neck a scarf *argent*; and the herald assigned the 2nd and 3rd of these quarterings to Lostock. But in 1584 Edward Boteler esquire, the last of his house, used on his seal the above two coats quarterly, with the bend, instead of being repeated, carried across both coats, while the crest is a bird looking to the right as if preparing to fly, and standing on an esquire's helmet. In or about 1572, when that eminent antiquary Erdeswicke visited Warrington church and took an account of the arms in its windows, an escutcheon (in the east window?) bore *azure*, between a bend *or*, six covered cups *or* with *argent*, a lion rampant *gules* quarterly, for Boteler de Beause. (*Harl. MSS.*, Art. 164, fol. 73.)

Dodsworth, another eminent antiquary who visited the church in 1625, says there was in the north quire window, *argent* a lion rampant *gules*, *azure*, a bend *or* between six covered cups *or*; in the east window, Boteler *azure* a bend *or* between six covered cups *or*, a lion rampant *gules*, paled with *argent* a chevron *gules*, fretty *or* between three delves *sable* for Delves.

Randle Holme, who visited the church in 1640, says there was in the east window of the church only Boteler's coat *very antient* (*Harl. MSS.*, 2129, Art. 269, fol. 184), which he does not further describe. A fourth antiquary, of whose visit we do not know the date, says that in one of the windows of the Boteler chapel there were four coats, which he figures: 1st Boteler; 2nd *argent*, a lion rampant *gules*; 3rd Dutton, quarterly, *argent* and *gules* in the 2nd and 3rd quarters, a fret *or*; 4th *azure*, five lozenges in fesse, each charged with a roundel *gules* (which were the arms of Plumpton); and that over the altar in the same chapel there were two shields, one being the original Boteler coat quartering the lion rampant, and the other the same coat repeated empaling Delves. (*Harl. MSS.*, 2129, Art. 270, fol. 185.) One antiquary says that the lion rampant-quartering came into the Boteler arms from the Lostocks, another that it came from the Redishes, and a third that it came from the Leghs of Easthall in High Legh. Whence it really came is only important in so far as it may help us to settle more conclusively one of the Boteler alliances. In old times it was not necessary that a wife should have been an heiress to justify her husband or his descendants in empaling or quartering her arms. The practice might be irregular but it was not uncommon. In this way Norris quartered the arms of Haselwall, though his wife of that house was not an heiress. (Ormerod's *Miscellanea Palatina*, pp. 16 &c.) The lion rampant was a frequent bearing in the time of Henry III. and the next three reigns. It occurs in the seals of the Waltons of Walton near Preston, of the Crophills of Nottingham, of Roesia de Verdun (who married Theobald Walter), of Peter de Burnhill and his daughters, and of Adam de Holcroft; we do not know however what were the tinctures of any of these coats. (Thoroton's *Hist. Notts.*, vol. ii. p. 38; *Whalley Coucher Book*, vol. ii. p. 415; *Hist. Lan.*, vol. iii. p. 497; *Arley Deeds*, box 4, No. 27.)

The Savages bore *argent* a lion rampant *gules* as one of the quarterings, which they acquired, it is supposed, by their Danyers

alliance, but from what family the Danyers acquired it is not clear. The same bearing occurs also in the arms of Redish, Legh, Ireland and Lostock. We do not know of any alliance between any of the first three of these families and the Botelers; but from the Lostocks as the assignees of Robert earl Ferrars, William le Boteler, a few years after his purchase of the "hey" in Burtonwood, obtained a release of all the arrears which he owed to the earl for purchase of Burtonwood; and it would seem that he not only acquired this release, but that from Henry and Johanna he acquired what was far better, a good wife in their daughter Dionysia, and with her the right to empale and quarter with his own arms those of her family, *argent* a lion rampant *gules*.

The Scots, as was to be expected, being again troublesome, since

> "Who overcomes
> By force, hath overcome but half his foe,"

England in vain attempted to impose a king upon Scotland, and it was reserved for Scotland at a later time to give a king to England.

On the 12th May 15 Edward II. (1322) the king issued his summons in which, after reciting that the Scots were again rebellious and that it was necessary to restrain them, he commanded his vassals, and amongst them sir William le Boteler of Werryngton, to meet him prepared for that service with horse and arms at Newcastle-upon-Tyne, on the octave of Holy Trinity then next. (Rymer's *Fœdera*, p. 486.)

This preparation came none too soon, for on or about the feast of the translation of St. Thomas the martyr (7th July 1322) the Scots entered England on the west, passed through Furness and Lancashire, laid waste the country on every side; and having collected an immense booty consisting of animals, church ornaments, bedding, table furniture, and gold and silver, carried them off homewards in carts at their pleasure. (Dalrymple's *Annals of Scotland*, vol. ii. p. 102; Gough's *Camden* under Lancaster.)

In 16 Edward II. (1322) sir William le Boteler granted to Henry fitz John fitz Gilbert del Forest and Alyne his wife ten acres of land in Weryngton, and declared that they should be as free to trade in the town as any other of the burgesses there. (*Legh Deeds.*)

The next year the Scots were again giving trouble, and the king issued fresh summonses to his vassals, William le Boteler of Werington amongst them, commanding them to meet him at York on the festival of Holy Trinity (22nd May) then next, prepared to resist the enemy, who were meditating an irruption into the kingdom to commit further enormities. (Rymer's *Fœdera*, vol. ii. p. 512.)

On St. Margaret's day (20th July 1323), by a Norman-French deed then made at Warrington, it appears that sir William le Boteler, who by reason of his seignory and grant from the Crown then had in ward Richard son of the late Richard le Boteler of Great Merton, demised to his ward's mother Cecilia le Boteler for seventeen years from her husband's death (such being the period of the ward's minority) all sir William's interest in Great Merton, namely: two parts of the chamber going up from the hall, two parts of the chapel, his part of the granary, his two parts of the grange, his two parts of two messuages and twenty-three acres of land, and one rood of land and one acre of meadow and one horse-mill in Great Merton (the other third being already Cecilia's in right of her dower), yielding yearly to sir William one rose on St. John's day, and keeping the premises in repair and without waste. (*Legh Deeds.*) It would seem from this that the forfeited lands of the ward's father had been in some sort restored.

On the 30th September 17 Edward II. (1323) William le Boteler lord of Werington granted to John fitz Henry le Parker and Joan his wife for their lives, at the yearly rent of 21*d.*, three acres and a half of land in Bortonwode, with housebote and haybote in the wood of Bortonwode, to be taken by the view of William's foresters; but the lessees were to grind all their corn grown upon the land at the lord's mills in Bortonwode, Soncky and

Werington; and he further granted that they should be hopper-free at his mills, and be served next after those whose corn should be in the hopper when they came to the mill. (*Bold Deeds.*) Henry le Parker was probably an old servant whom William le Boteler meant to favour.

About this time the king paid a visit to Lancashire, probably with a view of extirpating the remaining adherents of the late earl of Lancaster. On the 23rd October 17 Edward II. (1323) he came to Liverpool, and the next day a letter, dated at the castle there, was addressed by him to John Bousser, Ralph Beresford and John le Boteler de Lamyltyt, commanding them to prevent the continuance of certain miracles pretended to be wrought at the grave of Henry de Montfort and Henry de Wylyngton, lately executed for rebellion. The king afterwards sailed up the Mersey to Ince; remained a few days at Halton castle, one of the strongholds of his late rebel Thomas of Lancaster; and on the 3rd November passed on to Vale Royal. (Rymer's *Fœdera*, vol. ii. pp. 536, 537; and Hunter's tract on *Robin Hood*, p. 29.)

About this time William le Boteler, calling himself William son of the lord Henry le Boteler, granted to Robert son of Adam Dun of Werington a piece of land in the New-street (the present Bridge-street), near to the ditch of the friars of St. Augustine and abutting upon the friar's gate. (Lord Lilford's *Deeds.*)

In 17 Edward II. (1323), when Gilbert de Southworth the sheriff made his return of the knights and men-at-arms in Lancashire, William le Boteler is the knight first named, and Peter de Burnhull is the first named man-at-arms. (Dodsworth's *MSS.*)

Robert Prescote, the collector of the small farm rents of Amounderness, in his roll of accounts at this time accounts for half a mark received for sac fee from the fee of William Pincerna. (*Ibid.*)

The rent of land, probably in consequence of a rise in the price of corn, had now risen, and on the 24th July 18 Edward II. (1324), when William le Boteler lord of Werington leased ten acres of

land in Burtonwood for the lives of Alan le Ward and Alice his wife and Richard their son, the rent reserved was 1*s.* 6*d.* an acre instead of 1*s.* as formerly. The restriction as to grinding corn at the lord's mill continued as before. (*Bold Deeds.*)

On the 18th August 18 Edward II. (1324) William le Boteler lord of Werington leased another half acre of land in Bortonwode to Alan le Warde for the life of himself, his wife Alice and their son Richard, at the yearly rent of 9*d.*, with the like restriction as to grinding corn grown on the land. (*Ibid.*)

On the 10th November 1324 William le Boteler lord of Werington leased eight and a half acres and half a rood of land in Bortonwode to Henry fitz Robert fitz Margery for thirteen years, at the rent of 12*s.* 11¼*d.* a year, with the like restriction as to the grinding of his corn grown on the land. (*Ibid.*)

By another lease of the same date William le Boteler granted to Richard del Reves son of Hugh del Wode, for the lives of himself and Mariota his wife, seven acres and one-twelfth of an acre of land in Bortonwode, at the yearly rent of 10*s.* 7*d.* (*Ibid.*)

In the same year Emma the daughter of Henry Ward granted to William le Boteler of Weryngton her lord, and to the lady Sibilla his wife and their heirs, all that purparty of land which fell to her by inheritance from her father Henry, and all the purparty falling to her by inheritance from her sisters Isabella and Juliana in Great Sankey. (Kuerden's *MSS.*)

In the same year it was found by inquisition that Simon de Holland held a certain wood called Brockhurst in Penington, under William le Boteler of Werington, at the rent of 20*s.* (*Ibid.*)

By his deed, dated at Warrington 30th September 19 Edward II. (1325), William le Boteler lord of Weryngton leased to Roger fitz Hawisia, for his life and the life of Emma his wife, nine acres of arable and waste land in Bortonwode, at the yearly rent of 13*s.* 6*d.* The lessee was to have common of pasture for one heifer and two oxen in Bortonwode at all times of the year except in the mast season, and was to have the like common of pasture for

twelve sheep in Bortonwode and in the ancient park of Beause throughout the year. He was to assart, that is clear the land, and use the wood as he liked, except that he was not to sell or give it; and he was to grind all his corn and malt at the lessor's mills in Bortonwode, Sontky and Weryngton. (*Bold Deeds.*)

On the 25th January 1327 were heard

> "The shrieks through Berkley's roof that ring,
> Shrieks of an agonizing king,"

and the reign of Edward II. came to a close. The first act of his son and successor Edward III. was to issue a royal missive commanding the peace to be kept. One of these reached sir William le Boteler's neighbour, sir Geoffrey de Werburton sheriff of Lancashire; and shortly afterwards an act was passed for reversing the attainder of Thomas earl of Lancaster, and a writ issued to sir Geoffrey to restore his lands to the heir. An inquiry in the nature of an inquisition post mortem having been taken to ascertain what possessions the late earl had, it was found that William le Boteler of Weryngton held of him two fees in Crophill in Nottinghamshire. (*Cal. Inq. p. m.*, pp. 7, 8, 9, 1 Edward III.) No other townships are mentioned as held of him by William le Boteler; but Warrington and some other Boteler holdings were probably included under the manor of West Derby, which is expressly mentioned.

The death of the late king being supposed to have put an end to the truce between Scotland and England, Robert Bruce, thinking it a favourable opportunity for forcing the English to make peace, raised an army and invaded England; whereupon the young king, then only fourteen, mustered his forces and prepared to meet him. There was indeed great need of haste, for the Scots were ravaging the English borders with impunity, and summonses were sent out on the 14th July 1327 to the Lancashire men to assemble and repair, marching night and day, to the king's standard; but no summons seems to have been sent to sir William le Boteler, though each of his neighbours and tenants,

Peter de Burnhull, Alan de Rixton and Hugh de Tildesley, received one. (*Rot. Scotiæ.*) We know however that William was still living, for there is a deed dated in this year which expressly mentions him and calls him William fitz Henry le Boteler. (Lord Lilford's *Deeds.*)

On the 10th June 1328 William le Boteler, by deed dated at Beause, leased to Robert fitz Grangos and Cecilia his wife, for life, three roods of land at Harderslegh in Burtonwode, which they were to enclose, assart and bring into cultivation, and for that purpose to take certain wood growing on the land, and to have marl for marling it by allowance of the bailiff, for all which they were to pay a rent of 13½*d.* (*Bold Deeds.*)

By another deed, also dated at Beause 13th June 1328, William le Boteler lord of Werington leased to Henry le Parker, for his life and his son Adam's, eight acres of arable land in Burtonwode, and also a messuage and three acres of arable land in Great Sontky, with housebote and haybote by the view of William's foresters, and agistment for two heifers and four beasts of the plough in the forest at all times of the year except the mast season, paying for Henry's life 11*s.* and afterwards 13*s.* 9*d.* a year. (*Ibid.*)

In the early part of the next year Henry de Bruch granted to Alan de Rixton certain parcels of moor, marsh and pasture land in Werington, and being desirous to reserve out of the gift all right to common of pasture in respect of the land, Alan on the 23rd June 2 Edward III. (1328) gave him back all such his right of common. (From the original deed in the possession of J. F. Marsh, esq.)

As to this right of common there seems at this time to have been some jealousy, for we find Gilbert de Southworth on the 29th December 2 Edward III. (1328) re-leasing to "Monsieur" William le Boteler all his right of common in Burtonwood and Sankey. Perhaps the claim interfered with the lord's right to enclose, and he was anxious to keep such right unimpaired.

On the 10th March 2 Edward III. (1328) Henry the son of

that Norman le Boteler whose curious agreement with William de Sankey to maintain his son and daughter we have already seen, by a deed dated at West Derby, re-leased to Thomas Hale and Mabel his wife all the lands in Little Sankey which they had by the grant of William de Sankey. (From the original deed in the possession of J. F. Marsh, esq.)

The commons in Burtonwood were still of such importance to William le Boteler that he had a dispute with Gilbert de Haydock about them, which was ended by an agreement written in Norman-French and dated at Bewsey 11 July 2 Edward III. (1328), by which, after reciting that there had been a dispute between them by reason of some approvements or enclosures made in Burtonwood since the date of a feoffment made by William to Mathew de Haydok and the said Gilbert of certain tenements there, the latter agreed to release and quit-claim, and did thereby release and quit-claim all manner of actions or challenges which he had or might have by reason of common of pasture or otherwise in any approvements made any where in Burtonwood up to that time. And moreover the said Gilbert granted that the said William might approve or enclose at his pleasure all or any part of the common wood of Burtonwood without Gilbert's challenge or contradiction; and for this grant, release and quit-claim, the said William granted the said Gilbert and his tenants the right to take and have common of pasture and estovers in the wood aforesaid and elsewhere, so long as it should not be approved or enclosed; yet so that he and his tenants should not inter-common even in the open time within the forest, as neighbour does with neighbour in places which are approved or enclosed for a time, so long as they should be so approved or enclosed. Moreover the said William granted that the said Gilbert might have forty swine at pannage in the wood aforesaid, so long as it should remain unapproved or unenclosed. Throughout this deed William le Boteler is styled "Monsieur," and his seal to it has the bend with six covered cups. (*Legh Deeds.*)

Hitherto the trustees of the Botelers had been selected from

among their neighbours, but now a stranger, Geoffrey Mamcestre, was introduced to fill an important trust. Geoffrey was of a busy family — bustle and activity seem to belong to their name-place. One Roger de Mamcestre was prior of Norton between 1249 and 1261. Hugh de Mamcestre, another of them, a preaching-friar, who was born in Manchester in the time of Henry III., was sent with a brother friar in 1294 to renounce the king of England's allegiance to the king of France, which was rather a hazardous errand. In 1305 he and others received a commission to attend the parliament, and he was named one of the commissioners to treat with the Scots. He was a detector of impostors, and a great scholar, and he wrote *Compendium Theologiæ contra Fanaticorum Deliria*, and other works. (*Hist. Lan.*, vol. ii. p. 356; and *Foundations of Manchester*, vol. i. p. 26*n*., the former of which works contains a memoir of him.) A Henry de Mamcestre appears as a party to a fine at Neston in 10 Edward II. (*Hist. Chesh.*, vol. ii. p. 29.); and a John de Mamcestre chaplain was shortly after this time one of the lessees of Warrington rectory. Geoffrey de Mamcestre, with whom we have now to do, might possibly be the same person as Galfridus de Stoke, who ultimately became dean of Manchester. (*Foundations of Manchester*, vol. i. p. 27.) He was certainly the trustee in a deed the seal of which Mr. Hibbert Ware has engraved. (*Ibid.* vol. iv. p. 77; *Hist. Lan.*, vol. iv. p. 800; *Parliamentary Writs*, pp. 160, 161; *Holinshed's Chronicles*, p. 292.) This Geoffrey, to whom William fitz Henry le Boteler had shortly before conveyed his possessions in Warrington and elsewhere, on Sunday before St. Margaret's day, that is on the 17th July 2 Edward III. (1328), re-conveyed to the grantor whom he expressly calls William fitz Henry le Boteler of Weryngton, the lands he had of William's gift in Burtonwood and elsewhere, to the use of William and Sibilla his wife for life, with remainder to their eldest son William, in tail general; with remainder to Geoffrey de Werburton knight, in tail male; with remainder to Robert de Werburton, his brother and his heirs. (*Hist. Chesh.*, vol. i. p. 430; and *Arley Deeds*, box iv. No. 44.) This

deed seems to have been confirmed by another to the same effect in which the property is particularised, and which is dated 23rd July 1328. (*Legh Deeds.*)

On the 7th November 2 Edward III. (1328) William le Boteler lord of Werinton settled his lands in Crophill-Boteler in Nottinghamshire upon his son Mathew and his heirs in tail; with remainder to his brother William in like manner; with remainder to Geoffrey de Werburton and his heirs male; with remainder to Geoffrey's brother Robert and his heirs (*Arley Deeds,* box i. No. 51); and a similar feoffment, *mutatis mutandis*, was made about the same time by William fitz Henry to his son William le Boteler. (*Legh Deeds.*)

Geoffrey and Robert de Werburton, who took an interest in the Boteler property under the foregoing settlements, were both living in 1342, for William fitz Richard de Penketh then executed to them a release of all actions. (*Arley Deeds.*) The limitation to them of these remainders in the Boteler property seems to show that there was then some close connection between the families of Boteler and Werburton; from which the most natural inference is, that Margaret the wife of the first sir Geoffrey de Werburton, and the mother of Geoffrey and Robert, was a sister of William fitz Henry le Boteler; and that perhaps Sibilla herself was one of the Duttons, their family name before one of them assumed the name of Werburton from his place of residence.

On the 29th December 2 Edward III. (1328) another Norman-French deed was made at Beause between William le Boteler (who is again styled "Monsieur") and Gilbert de Southworth, by which, after reciting that there had been a dispute between them as to the commons in Burtonwood and Sankey, they came to a similar agreement respecting them as that which has been already mentioned between William le Boteler and Gilbert de Haydok. (*Bold Deeds.*)

The life of William fitz Henry le Boteler was now approaching its close. The last of the foregoing deeds was dated at the close of the year 1328, and before Sunday next after Ascension-

day 20th May 1330 he was dead; for on that day a Latin deed made at Warrington makes express mention of his widow, and calls her Sibilla "quæ fuit uxor domini Willielmi le Boteler." (*Legh Deeds.*) She is mentioned again in 10 Edward III. (1337.) (*Ibid.*) But in 14 Edward III. (1341) she must have been dead, for her son then levied a fine of the third part of Warrington and other possessions which she had held for her life.

The issue of William fitz Henry le Boteler and Sibilla his wife were:

(1.) William their eldest son, who succeeded as baron of Warrington.

(2.) Mathew, who had Crophill under the settlement.

(3.) Eda, who married that William Trussell the judge who on the 29th January 1326 renounced, on behalf of the parliament, the nation's allegiance to Edward II. (*Hist. Chesh.*, vol. i. p. 280, vol. iii. p. 122; and Foss' *Lives of the Judges*, vol. ii. p. 307.) The Trussells were connected with the wardship of the east gate at Chester, and there is a letter from sir William Trussell dated at Chester in 1359. (*Cotton MSS.*, 151.)

(4.) Maud, another daughter, married sir John Trussell. (*Hist. Chesh.*, vol. i. p. 280, vol. iii. p. 122); but Dugdale says that sir John's wife was a Boteler of Wem.

CHAPTER XIV.

SIR WILLIAM FITZ WILLIAM LE BOTELER, NINTH BARON.

WILLIAM fitz William le Boteler, who on his father's death succeeded to the barony, seems to have been born about the year 1309, so that when his father died he must have been just of age.

He is mentioned as we have seen in the settlements of the family estates made in 1328; and in the following year by a deed, in which he calls himself William fitz William le Boteler lord of Warrington, he gave two places of land in the Market "strete" there to Mathew de Southworth. (Dodsworth's *MSS.*) In the same year he joined his mother Sibilla in granting Adam de Holcroft a place of waste in Dowton wood in the Alperdsley in Burtonwood (Kuerden's *MSS.*); and at the same time he re-leased other premises in Burtonwood to Gilbert de Haydok. (*Legh Deeds.*)

An entry in the *Thurgatton Register* of this year, which probably means that the priory there was among the free tenants who held lands of the Botelers at Crophill, was as follows: "Free tenants. Of William le Boteler for v. selions of land, including a capital messuage, iv. shillings and vi. pence and homage." (*Original Register of Thurgatton.*)

An assignment of dower made at Warrington in 3 Edward III. (1330), and witnessed by Robert Don of Werington "clericus," expressly mentions *minera carbonum* as then existing at Burnhill in Ashton-in-Makerfield. (*Arley Papers.*) This early notice

of the existence of coal in this neighbourhood deserves to be noted.

On the 15th May 4 Edward III. (1330), when he again called himself William fitz William le Boteler lord of Warrington, he demised to Adam de Southworth, for life, two acres and half a rood of land in Burtonwood, with housebote and haybote for himself and two tenants wherewith to build on and enclose the land, and also to burn; such botes to be taken by the oversight of William's foresters, subject to the yearly rent of one silver penny a year. He also granted Adam the right to assart the land and reduce it into cultivation, and to sell and make a profit of all the trees, both old and young, then growing thereon. (*Bold Deeds.*) This seems to have been an improving lease, and to have been made at a nominal rent in order that the land might be recovered from waste and brought into cultivation, which may remind the reader of the old practice, once almost universal in England, of leasing farms for lives on a fine and at a nominal rent. Besides covenanting to build on the land Adam probably paid a sum of money as a fine. It is to this old practice that our great bard makes Fortinbras allude when he says:

> "We go to gain a little patch of ground
> That hath in it no profit but the name,
> To pay five ducats *fine* I would not farm it;"

although in the text of *Hamlet* fine is always misprinted *five*, which spoils the sense.

In the iter or assize held at Bedford on the 25th June 4 Edward III. (1330) one John Boteler and Joan his wife claimed to have free warren in the lands described in a certain bill there mentioned, and being admitted to plead they claimed to have free warren in all their demesne lands of Hattelee (in Bedfordshire), inasmuch as the lord Edward the then king's father by his charter, which they produced in court, granted to one John de Argenteyn that he and his heirs for ever should have free warren in all his demesne lands of Hattelee in the said county,

provided that the same were not within the limits of the king's forests. And they showed that the inheritance of the said John de Argenteyn had descended to the said Joan and to one Elizabeth the wife of one William le Boteler as his daughters and heirs, and that the inheritance had been divided between them so that all the lands and tenements which were of the said John de Argenteyn in Hattelee, and wherein the said John le Boteler and Joan his wife claimed the free warren aforesaid, were assigned in purparty to the said Joan, and the claim was thereupon allowed. (*Placita de quo Warranto*, p. 17.) Taken in conjunction with the fact that the Bewsey Botelers certainly held lands in Bedfordshire, this plea makes it not improbable that the Elizabeth le Boteler mentioned in it as the daughter of John de Argenteyn was Elizabeth wife of William le Boteler baron of Warrington. If so, it is not unlikely that there had been some previous connection between the Boteler and the de Argenteyn families; for the arms of the latter were either *azure* three covered cups *or*, or else *gules* three covered cups *argent*. (*Notes and Queries*, February 1st 1862, p. 99.)

It was an Argentine of this house who at Bannockburn

> "Still bore on high the red cross shield,
> Gathered the relics of the field,
> Renewed the ranks where they had reeled,
> And still made good the line."

In the same year William fitz William le Boteler made a further demise to Adam de Southworth of two and a half acres of his wood and waste in Burtonwood. (Kuerden's *MSS.*) And on the 24th December of the same year he was one of the witnesses to Gilbert de Haydock's foundation charter of the beautiful chantry in Winwick church, where he is styled sir William le Boteler knight. (*Bold Deeds.*)

On the 6th December 5 Edward III. (1331) William le Boteler demised to Robert fitz Adam Grangos and Richard his son, for life, three acres of wood and waste in "the Frerehurst" in Bur-

tonwood, near the land which Robert already had there, with housebote and haybote for himself and a tenant to build, enclose and burn upon the same land, such botes to be taken by the view of William le Boteler's foresters; and the said Robert and Richard were to have free liberty to assart and bring into cultivation the aforesaid lands, and to make a profit of the trees growing thereon at their pleasure; and they and their tenant might have free agistment for two beasts of the plough and one heifer in William le Boteler's common wood at all times of the year except the mast season; and were also to have liberty to take marl for improving the land from that part of the waste nearest to it; for all which the rent was to be 4*s.* 6*d.* (or after the rate of 1*s.* 6*d.* an acre) a year. (*Bold Deeds.*) In this deed, as in some others, we find marl mentioned as an improver of the land at a time when the farm-yard usually supplied "the hungry acres" with their only food.

On the 28th October 6 Edward III. (1332) William le Boteler, influenced by the same desire which his father had manifested to restrict the exercise of his tenants in their rights of common, procured from William Muskell of Burtonwood a release of all the right which he had or might claim by reason of his common of pasture within the limits of Burtonwood, of and in the wastes or woods there either approved or to be approved, save and except and always reserved to the said William Muskull and Amota his wife, for life, agistment for fourteen beasts of the plough, two heifers and eight sheep in the common wood at Burtonwood at all times of the year except mast time, and also save and except that they were to have pannage for twenty-three swine in Burtonwood, rendering to their lord William le Boteler the third best hog. (*Bold Deeds.*) William le Muskull had evidently a plentiful stock of cattle, and was one of the large famers in Burtonwood of that day.

William le Boteler and Elizabeth his wife, who at this time had probably no children, were desirous to settle the family estates, and on the 25th June 6 Edward III. (1332) they levied a fine by

which they settled two-third parts of the manor of Crophill (the other third part being probably vested in William le Boteler's mother Sibilla for life), with the homages of Paganus de Vilars, William de Stanley, John de Annesley, John le Knight, Agnes Cole and John Oliver, on sir William and dame Elizabeth for life, with remainder to the heirs of their bodies, and with the ultimate remainder to the right heirs of sir William for ever. (Thoroton's *Hist. Notts.*, vol. i. p. 193.)

Another fine, levied on the same day as the former, gives us a long catalogue of William le Boteler's tenants in Warrington and Burtonwood, from which we are enabled to see both the extent of his possessions, what were the prevailing local names at that time, and how rapidly Burtonwood, then becoming an outlet for the surplus population of Warrington, was growing in consequence. An advancing cultivation was fast encroaching on the forest and felling the trees. There still remained however in Burtonwood no less than three hundred acres of wood, which were sufficient to show what a giant its forest had once been. Amongst the trees to be found in it were the "alnus" alder or owler, the "salix" or willow, the "tremula" or aspen, the elder, the "dumus" or quickset, the "spina" or thorn, the "aspres" or bramble, the rose, the woodrose, the "arbutus" or strawberry tree, the holly, the blackthorn, the crab, the cherry, the ash, the birch and the oak; at least these appear in a list made out at a little later period. (*Warrington in* 1465, pref. lxxv, lxxvi.) In the fine we are now considering William le Boteler and Elizabeth his wife were complainants and Henry del Boure (that is Henry of the Bower, who seems to have been of this neighbourhood, since several other persons of the same name are mentioned) was the defendant. The fine included forty messuages, four hundred and forty acres of land, twenty acres of meadow, three hundred acres of wood, four hundred acres of turbary, and two (third) parts of a mill with the appurtenances in Burtonwood, and also two (third) parts of the manor of Weryngton, with the appurtenances and the advowson of the church there; all which were

granted to William le Boteler and Elizabeth his wife and the heirs of the body of the said William, who, besides the lands, were to have the homages and services of the following persons: The prior of Norton and his successors, John Broun, Henry son of Will. del Boure, William le Lokker [? Cokker], Johanna sister of the same William, Adam le Webbester, Richard Cassan, William the son of Moyse, Alicia who was the wife of Jordan de Sonky, Richard de Hallum, Richard Augustinesmo'gh, Robert de Sonky, William de More, William Part, Richard son of William Bawdewyne, William Payne, William Broun, Hulme [? Helene] who was the wife of Richard le Herdemon, William de Roe, William de Upton, Robert Petit, Gilbert son of Simon, Robert son of William de Flixton, Robert son of Roger, Henry le Colt, Richard le Taillour, Alice del Boure, Richard Payn, John de Ellale, Robert del Ford, Roger son of Henry son of Ralph, John Doublerose, Richard son of Henry, Richard del Barrowe, Alicia la Quite [? White], Richard Carpenter, Thomas del Heth, Thomas Dekeknave, William the smith, John de Hulme, Richard son of Adam del Heth, William le Shepherde, Henry son of Will. Lembe, Elena daughter of Will. Lembe, Ameria daughter of the same William, Agnes sister of the same Ameria, Elena de Bolde, Henry del Forde, Alicia del Forde, Adam son of Gilbert, Richard Sylwyl, Richard de Rixton, Richard le Leche, Richard le Schepeherde, Richard le Ledbetre, William son of Henry, Walter de Penketh, William son of Thurstan, Nicholas's sone, Robert le Warde, Lawrence de Orford, John de Clanbrok, Richard son of William son of Robert, Henry son of Emma, and John le Norreys. And, by the same fine, certain other messuages and lands in Burtonwood, then held for life and which on the death of the several tenants ought to revert to the said Henry del Boure, were limited to the said William le Boteler and Elizabeth his wife and the heirs of the body of the said William, with remainder to his right heirs for ever. The several properties of which the reversion was thus limited to William le Boteler, which are fully described in the fine, were very considerable, and these

are the names of the persons who held them: Henry de Thelewalle and Matania his wife, William Shadde and Alicia his wife, Henry Dun and Margeria his wife, William de la Forde and Agnes his wife, Robert the son of the said William, Simon le Barker and Alicia his wife, Nicholas Boton and Elena his wife, Alicia de Werburton, Agnes la Norice and Alicia her daughter, Robert son of Geoffrey and Elena his wife, William the son of John, Henricus *clericus* and Margeria *his wife*, Margaret who was the wife of Robert son of Richard, Richard Augustinesmo'gh, Matilda la Norice, William de Moston, Richard de Rixton and Matthew his son, John de Ellale and Elena his wife, Richard Graider and Agnes his wife, Thomas Dykknave and Isabella his wife, William Faber the smith and Agnes his wife, Kenewrek the fisherman and Mabilla his wife, Peter de Thelewalle and Matilda his wife, Cecilia la Shepeherde, Robert son of John, Peter son of Agnes and Margeria his wife, Henry de Merland and Cecelia his wife, Alan de Rixton, Gilbert de Haydok and Emma his wife (who held six messuages, forty acres of land, three acres meadow and twenty acres wood), Mathew the son of Gilbert, Mathew de Sotheworth, John his son and Margaret John's sister, Henry le Parker and Hawisia his wife, John de Sotheworthe, Richard de Par, Richard son of Hugh de Wynequik and Alice his wife, Robert Dawesone and Alice his wife, Ralph son of Henry, William Muskil and Amota his wife, Alan de Eccleston and Alicia his wife, William de Langelegh, William the brother of Henry le Parkere, Henry son of the said William, Roger Smalwode and Agnes his wife, Adam de Rachdale, William his son, Robert Dawesone and Alice his wife, Adam de Sotheworthe and Avicia his wife, Robert son of Robert de Bolde, and Henry Haydok.

In the days of William fitz William le Boteler religion and religious men had their claims acknowledged. The hermit-friars of St. Augustine, who had been introduced into Warrington by one of William le Boteler's ancestors, now gave efficient aid to the rector and secular clergy, ministering with them in divine offices and giving the consolations of religion. William fitz William le Bo-

teler therefore, under a sense of his obligations to these spiritual men, on the 18th June 6 Edward III. (1332) gave and confirmed to God and the Blessed Virgin Mary and the brethren of St. Augustine serving God and celebrating divine offices at Warrington, for the health of his soul, the soul of Elizabeth his wife and the souls of his ancestors, in free alms, a certain piece of land in Warrington called Blanche meadow with its appurtenances for ever. (*Hale Deeds.*)

On the 7th June 7 Edward III. (1333), probably with a view as the latter part of it shows to a further benefit of the friars' house, he acquired from Adam fitz Gilbert del Twisse a re-lease of all the lands, tenements, woods and wastes in Burtonwood, which he had for his life by the demise of William fitz William le Boteler's father, and also all that piece of land lying near to the friars' ditch in Warrington. (*Bold Deeds.*)

In the same year he re-leased certain lands in Burtonwood to Gilbert de Haydock and Richard his son. (Lord Lilford's *Deeds.*)

On the 1st December 1334, by a deed reciting that his mother Sibilla had granted to Adam de Holcrofte a certain place of waste and wood containing two acres, lying near the Aspedelegh in Burtonwood, part of Sibilla's dower; and that Adam had made a demise of the said land for Sibilla's life to Robert fitz Adam Grangos and John and Richard his sons; William le Boteler confirmed to them for life the same lands and half an acre in the Frerehurst at the rent of 2*s.* 6*d.* a year. (*Bold Deeds.*)

The Scots were still unsubdued, Bruce being more popular and Baliol more unpopular than ever; the king therefore marched into the Lowlands, but the Scots, who saw that England was soon to be engaged in war with France, held to their fastnesses, and were able to defy him and his forces; but Edward, who never despised an enemy, took immediate measures to meet the emergency. Warrants addressed to his knights and others were sent into every part of England, commanding them to repair to his aid. One of these, dated at Newcastle-upon-Tyne on the 18th February 9 Edward III. (1335), commanded his beloved and

faithful John de Haryngton the elder, Adam Banastre, Henry de Croft, William de Clifton, *William le Boteler de Weryngton* and Robert de Langeton, jointly and severally to elect (which here means impress) within the county of Lancaster a hundred hobblers (horsemen lightly mounted for reconnoitring, carrying messages and harassing the enemy) and three thousand archers and other strong able foot soldiers, and to cause them to be properly armed so as to be ready to march with the king and, by the aid of heaven, to restrain the Scotch rebels who had invaded the marches and there done grievous damage. (*Rot. Scotiæ.*)

In this year William le Boteler and John de Chisenhale parson of Winwick entered into an agreement which settled the boundary between their mutual lands in Warrington and Winwick. The agreement, which is in Norman-French, is amongst lord Lilford's *Deeds.*

William le Boteler at this time used to authenticate his deeds by a signet with a single covered cup, in allusion to his family name and the office which gave rise to it. (Lord Lilford's *Deeds.*)

On the 8th April in the above year, for the health of his soul and the souls of all his ancestors and successors, Henry fitz Robert fitz Radulph fitz Henry de Werington re-leased to the prior and brethren of the hermits of St. Augustine celebrating divine offices and serving God at Werington, all his lands in Werington lying between Aldres well on the one side and the Millstedes on the other, and abutting on the one hand upon Blanchmede and on the other upon Arpefordecheth. (From the original in the possession of J. F. Marsh, esq.) The land re-leased by this deed was held under William le Boteler, and the re-lease probably proceeded from a desire to imitate the example set by William le Boteler in giving Blanche meadow to the friars.

The Scottish affairs being still threatening and the king's needs very urgent, a warrant, dated at Nottingham on the 27th March 9 Edward III. (1335) and addressed to his beloved and faithful Thomas earl of Norfolk marshal of England and to great numbers of nobles, knights and others (one of whom was *William*

le Boteler of Weryngton), after reciting that in the parliament lately holden in Westminster it was agreed by the peers and commons then assembled that "for the defence and safety of the kingdom, the lands in the marches and the people there," it was the king's duty to march against the Scots, and that with certain of his faithful subjects he had accordingly at a great cost repaired thither, and "with the help of heaven" proposed to be at Newcastle-on-Tyne on Trinity Sunday next with a great army, prepared to advance against the enemy and repress their malice; therefore he enjoined all his faithful subjects that, laying all excuses aside, they should be with him at the above time and place prepared with horse and arms to march against the enemy. (*Rot. Scotiæ*, vol. i. pp. 332, 333.)

The next year William le Boteler, described as Willielmus filius et hæres domini Willielmi le Boteler de Weryngton, confirmed to the abbot and convent of Cockersand his ancestor's grant of four parts of half a carucate of land in the Howes within Lythom and Laton. (Dodsworth's *MSS.*)

The Scots, who certainly deserved the praise of persevering patriotism, and moreover had justice on their side, were not to be overawed by their powerful neighbour. Armament after armament had been sent against them, but, in spite of all, there was still a cry for more. On the 29th March 11 Edward III. (1337) the king issued his warrant from Westminster addressed to his beloved and faithful *William le Boteler de Weryngton* and Thomas de Lathum, in which, after reciting that to keep the Scots in check a great body of archers was immediately required, he commanded the said William and Thomas jointly and severally to raise fifteen hundred archers in the county of Lancaster, and with all speed to march them at the king's expence to Scotland. (*Rot. Scotiæ*, vol. i. pp. 486, 487.)

In the same year William le Boteler granted lands in Burtonwood to Gilbert de Haydock and Mathew his son. (*Legh Papers.*)

In 12 Edward III. (1338) Sibilla, William le Boteler's mother, having granted Henry fitz Mathew de Haydock a burgage in

Warrington, William le Boteler by his charter of inspeximus confirmed her grant. (Lord Lilford's *Deeds.*)

So great had proved the benefit from the paving of Warrington under the charter granted to William le Boteler's father that William now sought and obtained from the king another charter dated 16th March 12 Edward III. (1338), by which the bailiffs and approved men of Werington were authorised, for another term of five years, to raise the like tolls for paving the town as had been granted for that purpose in the former charter. (Original charter in the *Public Records.*)

About this time William le Boteler, in compliance with the bad custom then in use of marrying children at a very early age, contracted to marry his eldest son Richard le Boteler, then an infant, to Joanna the daughter of Thomas de Dutton, one of the great house of Dutton. Thomas the father of Joanna, who was worthy of his race, in the subsequent wars with France had the honour to become one of lord Audley's four celebrated Cheshire squires, by which he won the fret in his coat of arms and the more substantial reward of a pension, which last he received until his death in 4 Richard II., but the fret his descendants still bear. In consequence of one of the stipulations in the marriage contract William le Boteler on the 18th October 1339 entered into a bond to pay him two hundred and twenty-six marks in silver. (*Legh Deeds.*)

William le Boteler's mother being dead and one of his children married, he thought it prudent about this time to make a new settlement of the family estates; and accordingly, either in 12 Edward III. (1338) or, according to the *Duchy Records*, 26th May 1340, Hugh Bacheler the Boteler trustee by a fine granted the manor of Ecclesale (Exall) in the county of Warwick, and the manors of Great Laton, Little Laton, Bispham, Warbrick and Magna Merton, iv^{l} vii^{s} viii$\frac{1}{2}^{d}$ of rent and a pair of spurs, with the appurtenances in Atherton, Westleigh, Penyngton, Bolde, Lidyate, Thornton, Culchith, Egyrgarth, Tyldyslegh, Glasbroke, Bedford, Halsall, Ince and Wyndhull, the manor of Magna Son-

key with the appurtenances except lxv^{s} xi^{d} of rent, the third part of the manor of Warrington with the appurtenances except xxvii. messuages, lxxx. acres and a half of land, xvii. acres of meadow, and vi^{l} ix^{s} xi$\frac{1}{2}^{d}$ of rent, to William le Boteler and Elizabeth his wife for life; with remainder to Richard le Boteler and Joanna his wife and the heirs of their bodies; with remainder to John le Boteler, the said Richard's brother, and the heirs of his body. (From papers in the Duchy of Lancaster office.) This settlement, as we shall see in the sequel, was very unfortunate in its consequences to the Botelers and their estates.

In 13 Edward III. (1339) there was another settlement of the Boteler estates, in which the son of John le Boteler is again mentioned. (Kuerden's *MSS.*)

On the 19th April 13 Edward III. (1340) William le Boteler, by a Norman-French deed made at Warrington, leased to Henry de Haydock and William his son for their lives, a place of wood and waste in Burtonwood, lying between Egardslegh and Smallegh as it was then enclosed by a hedge and ditch, and containing seventeen acres and a half, and also an acre and a half lying near the new grange of the said Henry in the same wood, and also ten acres and a half which were once the land of Alan le Ward, with all easements belonging to the same lands; which lands had been part of the dower of Sibil, William le Boteler's mother. The lessees were to have liberty to make a profit of the trees without waste of the houses, and to have estovers from the common wood of Burtonwood for themselves and four tenants resident on the land, and were to have liberty to cut, dry and take away turfs on Morkell's moss, paying yearly the rent of 29*s.* (*Legh Papers.*) The lease was an improving lease, but the rent reserved still amounted to 1*s.* an acre.

In the same year William le Boteler made a lease for twenty years to Richard de Rixton and Henry his son of eleven acres of land in Great Sankey, the same which Richard had formerly held, he paying a yearly rent of 11*s.* (Kuerden's *MSS.*)

In the years 1339 and 1340 a little civil war seems to have been

raging in Lancashire: "Magnus conflictus," says Dodsworth, "in campo de Liverpool inter illos de Ratcliffe ex 1 p̃te et illos de Trafford ex alterã p̃te unde Rob. Ratcliffe occisus est et 14 ex alterã p̃te." Dodsworth places this engagement in 1344 when, as he says, Robert Ratcliffe was sheriff; but he was sheriff in 1339 and 1340, and was then slain. (Ratcliffe pedigree in *Hist. Whalley*, p. 214; and *Hist. Lan.*, vol. iii. p. 252.)

The king, who had now assumed the title of king of France, was at war with that kingdom; and as he had formerly needed men for his Scottish wars, so now he had urgent need of money to pay the great number of foreign mercenaries whom he had in his service in France. Although they disliked the French war, the parliament had been induced on the 29th March 1340 to pass an act granting the king the ninth lamb, the ninth fleece and the ninth sheaf to be taken by two years next to come; the very ninth part of all the goods and chattels of cities and boroughs, and of foreign merchants which dwelt not in cities or boroughs; and of people that dwelt in forests one fifteenth. In pursuance of this act inquisitions upon the oath of the parishioners were taken in every parish, when the return made for the parish of Warrington was as follows:

"Werington unde ecclesia tax' ad xx. marc. Verus valor nonæ garbar' veller' et agnorum parochiæ ejusdem xx. marc., unde villat'.

De Werington	de	vi. marc'	vi^{s} viii^{d}
Ryxton	de		xxiiii^{s}
Glasbroc	de		viiii^{s} iiii^{d}
Burtonwod	de	vi. marc'	vi^{s} viii^{d}
Tertia pars de Magna Sankey	de		xxvi^{s} viii^{d}
Wolston	de		xxxiii^{s} iiii^{d}"

(*Nonarum Inquisitiones*, p. 40.)

It is observable that in this return Warrington and Burtonwood are valued at the same sum, and that neither William le Boteler nor any of his neighbours are mentioned, or appear to have acted as assessors in making it.

The money proposed to be raised by the *nonarum inquisitiones* was all needed, for the times were warlike both by land and sea, and the hour for which the Scots had watched, a war between England and France, had arrived. The king, who at the head of a great fleet had set sail for Flanders on the 22nd June 1340, the next day at evening encountered off the harbour of Sluys, and after a great fight completely defeated, the far larger fleet of the enemy. The next day he repaired to Ghent where he found that his queen (almost within the sound of the roar and shouts of the battle) had just given birth to a prince, who from his being born on the Baptist's day was called John, and from being born at Ghent was called "of Ghent," and was afterwards the celebrated John of Gaunt, "time honoured Lancaster." The gold noble, now first coined, an old poet says was suggested to the king by this victory:

> "The sea was kept, and thereof he was lord,
> Thus made he *nobles* coins of *record*."

The coin bore the image of the king seated in a ship, with the text in Latin taken from St. Luke iv. 30, "Jesus passing through the midst of them, so went his way;" which was intended as an acknowledgment that the king's success was almost miraculous. Several Botelers fell in this battle, one of whom, a sir John Boteler, might be the same who claimed to have married a daughter of de Argenteyn. Not only had William le Boteler been instrumental in impressing men for the Scottish wars but he had served in them in person, as we learn from a warrant, dated at Langley on the 15th March 1541 and addressed to the bishop of Durham and others, by which, after reciting that William le Boteler and others had represented to the king that though they had been a long time in the garrison at Berwick-upon-Tweed, a great part of their wages remained still due and unpaid, the king gave commandment to the bishop and his colleagues to examine the accounts of the claimants, and see them forthwith paid out of the money levied by the none tax. (*Rot. Scotiæ*, vol. i. p. 606.) And on the 13th August following the king issued

another warrant from Shene, commanding John de Thynden, receiver of the nones north of the Trent, to pay out of such moneys the wages of William le Boteler and others for their services either in the marches or elsewhere in Scotland, for such time as they should remain in such service after the 12th March 1341, (*Ibid.* p. 611.) Another warrant, dated two days later, fixes xl^{s} as the sum to be paid to William le Boteler. (*Ibid.* p. 612.) It does not appear for what length of service, if for any in particular, this payment was made, and it might have been merely "prest" money or payment on account. On the 2nd June following he received for a quarter's wages another payment and a further sum of one hundred shillings as a gift from the king. (*Ibid.* p. 627.) This William le Boteler is merely described as a man-at-arms without any mention of place, and though it is probable, it is not clear that he was William le Boteler of Warrington. After this period however we hear no more of William le Boteler as being engaged in the Scottish wars, which may probably be accounted for by the circumstances we shall next have occasion to relate.

In the year 1341 the war of succession in Britany began between count de Montfort and lord Charles of Blois, the former claiming the dukedom of Britany under the will of the late duke, and the latter claiming it by the rules of inheritance. The count de Montfort having after a short time been made prisoner, his cause would have been hopeless but for the courage, ability and conduct of the countess his wife, who sent sir Amauri de Clisson and her infant son to seek the aid of the king of England. This, as it opened to him the door of France, the king was in no wise disinclined to give, and he at once ordered sir Walter Manny and sir Mathew Trelawney to proceed with three or four thousand archers to the countess's relief. After sir Walter had been some time in Britany and had put to flight lord Lewis of Spain the lieutenant of Charles le Blois, and was on his way with a few of his knights to join the countess at Hennebon, he came to the castle of Roche Perion, which is at no great distance from that

place, upon which, addressing his companions in the spirit of the chivalry of that age, he said to them: "Gentlemen, I should like much to attack this strong castle, all fatigued as I am, if I had any one to assist me, to see if we could not conquer it." To which the other knights replied: "Go on, sir, boldly; we will follow you to death." They then all set forward to the assault of the castle, of which the captain was Gerard de Maulin, who had been prisoner at Dinant. He armed his people, and placing them on the battlements and other parts of the defences without sheltering himself behind them, prepared for the assault. It was very sharp and perilous, and among many who were severely wounded in it were *sir John Boteler of Warrington* and sir Mathew Trelawney; insomuch that they were obliged to be carried off and laid in a field with the other wounded, (Froissart's *Chron.*, vol. i. p. 113.) These two wounded knights had been present and done good service at the battle of Quemperlé.

Continuing his story the chronicler informs us that "Gerald de Maulin had a brother named René de Maulin, who was captain of another little fort called Faouet, situated at least half a league from Roche Perion. When René heard that the English and Bretons were attacking his brother he armed forty of his companions and set out for Roche Perion to adventure his own person, and see if by any means he could give his brother aid. René therefore came suddenly upon those knights and squires who lay wounded in the field attended only by their servants, and falling upon them and making them prisoners drove them, wounded as they were, before him to Faouet. Some of their attendants fled to sir Walter Manny, who was eagerly engaged at the assault. When they had informed him what had happened he put an end to the assault, and with all his company hastened towards Faouet in order to overtake those who were carrying his friends away prisoners, but with all his speed he was not in time to hinder René from entering the castle with them." (Froissart's *Chron.*, vol. i. p. 114.) Sir Walter then made an assault on the castle, which he continued until news was brought him that there was

danger of their retreat being cut off by lord Charles of Blois and the forces from Dinant, when he thought it expedient for the present to leave sir John le Boteler and sir Mathew Trelawney and their other friends in prison, and give up all thoughts of assisting them until a better opportunity should offer; after which he rejoined the countess, who was strictly shut up and besieged in Hennebon. The rest of the story will be best told in the chronicler's own words:

"The lord Lewis of Spain came one day into the tent of lord Charles of Blois (before Hennebon which was still besieged) and where were numbers of the French nobility, and requested of him a boon as a recompence for all the services he had done him. The lord Charles promised to grant whatever he should ask, as he held himself under many obligations to him; upon which the lord Lewis desired that the two prisoners sir John le Boteler and sir Mathew Trelawney, who were in prison in the castle of Faouet, might be sent for and delivered up to him to do with them as should please him best. 'This is the boon I ask; for they have discomfited, pursued and wounded me; have also slain the lord Alphonso my nephew, and I have no other way to be revenged on them than to have them beheaded in sight of their friends who are shut up in Hennebon.' The lord Charles, who was much amazed at this request, replied: 'I will certainly give you the prisoners since you have asked for them, but you will be very cruel and much to blame if you put to death two such valiant men; and our enemies will have an equal right to do the same to any of our friends whom they may capture, for we are not clear what may happen to any of us every day. I therefore entreat you, dear sir and sweet cousin, that you would be better advised.' Lord Lewis said that if he did not keep his promise he would quit the army, and never serve or love him as long as he lived. When the lord Charles saw that he must comply he sent off messengers to the castle of Faouet, who returned with the two prisoners and carried them to the tent of lord Charles. Neither prayers nor entreaties could prevail on

lord Lewis to desist from his purpose of having them beheaded after dinner, so much was he enraged against them. All the conversation, everything that passed between the lord Charles and lord Lewis relative to these two prisoners, was told to sir Walter Manny and sir Amauri Clisson by friends and spies, who represented the danger in which the two knights were. They bethought themselves what was best to be done, but after considering different schemes they could fix on none. At last sir Walter said: 'Gentlemen, it would do us great honour if we could rescue these two knights; if we adventure and should fail, king Edward would hold himself obliged to us; and all wise men who may hear of it in times to come will thank us and say that we had done our duty. I will tell you my plan, and you are able to undertake it; for I think we are bound to risk our lives in endeavouring to save those of two such gallant knights. I propose therefore, if it be agreeable to you, that we arm immediately and form ourselves into two divisions; one shall set off as soon after dinner as possible by this gate, and draw up near the ditch to skirmish with and alarm the enemy, who, you may believe, will soon muster to that part; and if you please, you sir Aumari de Clisson shall have the command of it, and shall take with you a thousand good archers to make those who may come to you retreat back again, and three hundred men-at-arms. I will have with me a hundred of my companions and five hundred archers, and will sally out at the postern on the opposite side privately, and, coming behind them, will fall upon their camp, which we shall find unguarded. I will take with me those that are acquainted with the road to the lord Charles's tent where the two prisoners are, and will make for that part of the camp. I can assure you that I and my companions will do everything in our power to bring back in safety these two knights, if it please God!'

"This proposal was agreeable to all, and they directly separated to arm and prepare themselves. About the hour of dinner sir Amauri and his party set off, and having had the principal gate

of Hennebon opened for them, which led to the road that went straight to the army of lord Charles, they rushed forward making great cries and noise to the tents and huts which they cut down, and killed all that came in their way. The enemy were much alarmed, and putting themselves in motion got armed as quickly as possible, and advanced towards the English and Bretons, who received them very warmly. The skirmish was sharp, and many on each side were slain. When sir Amauri perceived that almost the whole army was in motion and drawn out he retreated very handsomely, fighting all the time, to the barriers of the town, when he suddenly halted ; then the archers, who had been posted on each side of the ditch beforehand, made such good use of their bows that the engagement was very hot, and all the army ran thither except the servants. During this time sir Walter Manny, with his company, issued out privily by the postern, and, making a circuit, came upon the rear of the enemy's camp : they were not perceived by any one, for all were gone to the skirmish upon the ditch. Sir Walter made straight for the tent of the lord Charles where he found the two knights, sir John le Boteler and sir Matthew Trelawney, whom he immediately mounted upon two coursers which he had ordered to be brought for them, and returning as fast as possible entered Hennebon by the same way that he had sallied forth. The countess came to see them and received them with great joy. The English and the Bretons continued still fighting at the barriers, where they gave their enemies sufficient employment.

"News was soon brought to the nobles of France that the two knights had been rescued ; which, when the lord Lewis heard he was sorely disappointed, and inquired the way the English and Bretons who had rescued them had taken. They informed him that they had immediately returned and were probably now in Hennebon. The lord Lewis upon this left the assault and retired to his tent in despite." (Froissart's *Chron.*, pp. 111–114.)

The old chronicler expressly designates one of the two knights thus captured and rescued as sir John le Boteler of Warrington,

which sufficiently points him out as one of the family with whose history we are concerned. We incline to think however that he called him John instead of William by mistake, and that the latter, who was at this time the head of the family, was the person who was thus rescued by the gallantry of sir Walter Manny. William le Boteler had at this time two sons, Richard and John, neither of whom (although young men then bore arms at an early age) was old enough to be the companion of sir Walter Manny. There is the more reason to identify sir William le Boteler with the imprisoned knight, since no mention of him is found in the family records from the beginning of the year 1342 until the 29th September in that year.

The story thus quaintly told by the old chronicler, and which might well serve as the ground of a novel, is interesting in many ways. We sorrow over the lord of Warrington as he fell and lay bleeding before the walls of Roche Perion; we grieve as he is driven wounded and bleeding into La Faouet. Our indignation is excited by the trait of Spanish revenge which lord Lewis showed in asking to have him delivered up, that he might put him to death; and we rejoice when his purpose was defeated by the well-planned and heroic achievement of sir Walter Manny, the pious founder of the charter house.

Sir William fitz William le Boteler, after his late perilous escape in Britany returned safe home, where on the 29th September 16 Edward III. (1342), by a deed dated at Warrington, we find him granting to Henry fitz John fitz Gilbert del Forrest (who probably derived his name from the forest of West Derby and was proud of his descent from a line of ancestral foresters there) and Alyne his wife and the heirs of their bodies, ten acres of land in Warrington, lying on one side near the common pasture, and abutting on the other on the Syche beside the door of Henry le Stedeman, with the same liberty to trade in Warrington as any other burgesses had, paying yearly the rent of 15*s.*; which was after the rate of 1*s.* 6*d.* the acre. (*Legh Deeds.*)

The next year (1343), his son Richard being probably then

dead, he made a new settlement in which his son John le Boteler is again mentioned. Richard died without issue, leaving his wife surviving. (Thoroton's *Hist. Notts.*, vol. i. p. 193.)

On the 30th September 19 Edward III. (1346) sir William and dame Elizabeth his wife granted the three and a half acres and one rood of land, which Amota wife of William Muskil held for life, in the place called Egardeslegh in Burtonwood, to Henry de Haydok and William his son, to hold to the said Henry and his son after her decease for the life of the said William and Elizabeth, at the rent of 8*s.* 3*d.* a year. Sir William's seal to this deed has the impression of a single covered cup, but dame Elizabeth's bears the usual Boteler shield, *azure* with a bend *or* between six covered cups *or*, impaling another shield, a lion rampant, the origin of which in the Boteler arms has proved such a puzzle to antiquaries. Impalements, except in the case of persons of consequence, were so rare at this early period, that we the more wonder to find one on dame Elizabeth's shield. (*Legh Deeds.*)

Henry earl of Lancaster died on the 22nd September 1345, and his inquisition post mortem being taken the next year (20 Edward III. 1346), it was found that William le Boteler held of him the manor of Bold in socage by the yearly rent of xx^{s} payable at Easter and Michaelmas, and by suit of court at the county and wapontake courts by the hands of Richard de Bold his tenant. It was also found that the same William held the manor of Weryngton with its members, namely, Sankey, Penketh, Rixton, Glazebroke, Culcheth, Tildesley, Pennington, Bedford, Atherton, Halsall, Ince, Lydiate with Egargarth, half a carucate, a rent of i^{s} x^{d} for ward, which probably meant "the custom of sak and ward" at Lancaster castle, mentioned in a later inquisition. The same William held also Burtonwode as three carucates. (Kuerden's account, from which the above is taken, is very imperfect.)

In 22 Edward III. (1348) there happened one of those pestilences so common in old times, most of which had their origin in

the East. The chronicler says: "It appeared first in England at Dorchester in August, and soon spread over the whole country. The labours of husbandry were neglected; no courts of justice were opened; the parliament was prorogued; and, intent only on their own safety, men fled from the air of the infected, and slighted every call of honour, duty and humanity. Manchester suffered very materially from it." (*Manchester Recorder*, p. 4; and a note to the London edition of Froissart's *Chron.*, vol. i. p. 200.) No particulars have come down to us of its effects at Warrington or in any other part of Lancashire; but it gave rise over all Europe to the order of the Flagellants, who flogged themselves in public by way of appeasing and averting the supposed anger of heaven. Another of these pestilences appeared two years afterwards and committed great ravages in England. (Hume's *Hist. Eng.*, vol. ii. p. 448.) During the continuance of this latter, sir Geoffrey de Werburton of this neighbourhood, who was then seneschal of Trafford and Dunham-on-the-hill, paid over to Janyn Husee the receiver of Oswaldtree lxvii^{s} iii^{d} as the proceeds of the produce of those lands sold during the pestilence. (*Arley Deeds*, box 4, No. 35.)

On the 12th October 23 Edward III. (1349) William le Boteler granted to his son Norman all the lands, houses and buildings, which Alan de Eccleston and Alice his wife held of him in Burtonwood, lying within certain metes and bounds there, that is to say beginning at the corner of Penkford, and from thence following the Sonky water to the boundary of Par, and then following such boundary to the boundary of Whithalgh field, from thence following such boundary to the corner of the curtilage of the said Alan and Alice, and from such corner following the hedge and ditch to Penkford corner aforesaid, with free ingress and egress to the same at all times of the year, and common of pasture in all the outlanes of Burtonwood while they lay in common and unenclosed, with free turbary for himself and his tenants on Morkell's moss, and free fishing in Sonkey water as far as the land extended. To hold the same to the said Norman and the heirs

of his body lawfully issuing, rendering *a rose* on the Baptist's day yearly. (*Bold Deeds.*)

In the year 1351 when Henry duke of Lancaster issued a commission of assize William le Boteler acted on it as one of the jurors. (Kuerden's *MSS.*)

On the 19th September 1356 when the great battle of Poictiers was fought and the news of the victory reached England it was hailed with great rejoicing, bonfires blazed in every village and thanksgivings were offered in all the churches. (Dr. Hibbert Ware's *Foundations of Manchester*, p. 106; and Froissart's *Chron.*, vol. i. p. 425.) Henry the good duke of Lancaster, who was in France on the king's affairs, only just missed the glory of sharing in the victory by being a day's march from Poictiers. "Going from Tours," wrote the Black prince to the city of London after the battle, "we had the intention of meeting our most dear cousin the duke of Lancaster, of whom we had most certain news that he would make haste to draw near us." When that gallant prince Henry IV. of France wrote to the brave Crillon, after the battle of Arques, to tell him of his victory, he playfully bade him "go and hang himself for not having been there to share the glory of it." Henry of Lancaster, hearing of the victory of Poictiers when he was but a day's march from the place, must have felt a mortification like that which Crillon felt when the king so gaily taunted him for not having been with him at Arques. If sir William le Boteler and his son John were not with the Black prince at Poictiers they were probably in the duke of Lancaster's host near that place; but if so they must have returned home soon afterwards, for by a deed, dated at Crophill on the 13th November 30 Edward III. (1356), not two months after the battle, sir William le Boteler granted to his son John in fee the manor of Werington with the advowson of the church, the manors of Bewsey, Sonkey, Penketh, Burtonwood and the manor of Laton, &c., to hold to him in fee. (Lord Lilford's *Deeds.*) Sir William had recently given his son Norman an estate in tail, but this larger gift to his son John in fee seems to argue that there

was some special reason for it. Probably the large portion of the estates which his son's widow had taken had crippled his income and made it necessary for him to retire and retrench his expenditure.

On the 20th November 31 Edward III. (1357), by a deed made at Winwick, William le Boteler released to John de Haydok and Joan his wife and their heirs all his right of, in, and to all the lands and tenements, rents and services, with their appurtenances, which the said John and Joan had held in Weryngton, Burtonwod and Great Sonky on the day of the making thereof. As he had not his own seal with him William used Robert de Moston's seal for this deed, a circumstance of some suspicion.

It would seem that at the same time William le Boteler made another deed by which he released all his rights to certain lands in Bradley, Burtonwood, Great Sankey and Werington to John de Haydok and Joan his wife and the heirs of the said John. (*Bold Deeds.*)

In the year 1358 William le Boteler of Werington made a grant of lands to John le Boteler of Merton, whose trustee he probably was. (*Legh Deeds.*)

In 32 Edward III. (1358) sir William le Boteler of Werington granted to John de Wynwick treasurer of the church of St. Peter at York and his heirs xl^{s} a year, to be received from the manor of Burgh in Lonsdale in the duchy of Lancaster, and John de Wynwick thereupon granted the same rent to the prior of Norton. (Dodsworth quoting the *Close Rolls*, 32 Edward III.) It does not appear how sir William, who does not seem to have owned the manor of Burgh, acquired this rent, and probably he only held it as a trustee.

On the 13th May 1361 the bishop of Lichfield at the request of sir William le Boteler granted him and dame Elizabeth his wife, and Elizabeth their daughter, a licence to choose their own confessor for two years. (*Lichfield Register*, Stretton.) The licence calls the knight sir William le Boteler "junior," which could only mean that he was the son of a former William, for he

was then aged 52. His estate had suffered by the settlement made on his son Richard and by the premature death of the latter without issue. Had his health also suffered by his services in the Scottish and French wars, that he had need to have his confessor near him? Sir William was not long in making use of the licence he had obtained, for in the same year he chose one Henry de Burton whom he calls his clerk (clericus) for his confessor, and granted him c^{s} a year for life (that is we suppose for sir William's life) to be received from his manor of Beausey and from all such lands and tenements as should revert to him after the death of Richard de Haydok in the town of Burtonwode. (Dodsworth's *MSS.* quoting the *Close Rolls*, 35 Edward III.)

About this time John de Swynlegh the rector of Warrington having resigned his rectory, to which with John le Boteler's consent he had succeeded by exchanging livings with Nicholas de Wadyngton the former rector, the lord *John* earl of *Lancaster* (as he is called, which must be a mistake as, although there was then a Henry duke of Lancaster, there was no earl of that name) presented John Donne, who was admitted and instituted to the living on the 13th January 1361. (*Lichfield Register.*) But the presentation was not allowed to pass without dispute, and a plea *de advocatione ecclesiæ* de Weryngton was raised by Richard de Wynwick who claimed it as brother and heir of John de Wynwick to whom William le Boteler had demised it for his own life. (Kuerden's *MSS.*) How the question of right was finally disposed of we do not know; but John Donne certainly continued in possession of the living, for on the 10th November 1362, when, although already rector of Warrington, he is described as only a subdeacon he obtained a licence to absent himself from his living for three years that he might prosecute his general studies. (Ut possit insistere studio generali.) It might be necessary that a subdeacon should study, but it surely was neither necessary nor just that in the meantime he should continue to hold a great living. Nor was this licence of absence the whole of the evil, for on the 22nd February 40 Edward III. (1366), having made a

lease of his living, he again left it for three years. Abuses like this, of which the number in that age was legion, show that weeds of this kind in the Church are of no modern origin but of ancient growth.

The next deed we have gives us the date of the beautiful decorated windows of the chancel of Warrington parish church, which are in the style of the time. This deed in Norman-French, made at Warrington on the 22nd December 35 Edward III. (1361), informs us that forasmuch as Gilbert le Noreys, administrator of the goods and chattels of Gilbert de Haydok, had lately sold to John de Haydok one-third part of the same goods and chattels for the sum of xlviii^{li} xiv^{s} ii^{d}, out of which sum the said Gilbert le Noreys had authorised John de Haydok to pay to Geoffrey de Workedsley xl^{li} which the same Gilbert had left him by his will, and to pay xxxiii^{s} iv^{d} towards the building (*à la fesaunce*) of Winwick church, and the same sum towards making the church at Warrington, and to pay the remainder of the said sum to the chaplains chaunting divine service for the soul of the said Gilbert de Haydok, for which said sum of xlviii^{li} xiv^{s} ii^{d} the said Gilbert de Noreys thereby gave the said John, his heirs and assigns and all others, his acquittance and discharge. (*Legh Deeds.*)

After an active life spent in camps Henry (called "the good") duke of Lancaster died of the plague in London on the 24th March 1361—a death more fearful than any he had faced in the field; and the following year, when an inquisition post mortem was taken to ascertain his estates, William le Boteler one of his feudal tenants was found to have held under him a tenth part and a twentieth part of a knight's fee in Magna Merton of the value of xv^{s}; and the jurors found that John de la Warre knight, and William le Boteler of Werington knight, and their tenants, held of the said duke nine knights' fees in the under-mentioned towns, viz: Haghe, Parva Bolton, Brightmed, Crompton, Brughton, and Barton in Salfordshire, Childwall, Aspull, Brockholes, Dalton, Parbold, Wrightington, Rumworth, Lostock, Pilkington, With-

ington, Worthington, Heton subtus Horwiche, Tildeslaghe, Culchethe, Rixton, Asteley, Atherton, Sankye, Penkythe, Ines-Blundell, Barton, Halsall, Wyndhull, Lydeyate and Egargarthe; which same fees and services with certain lands and tenements of the honour of Tutburye the said duke by a fine levied in the king's court at Westminster granted to Richard earl of Arundel, John bishop of Lincoln, Roger de la Warre knight, John de Buclond knight, John de Chambers, Walter Power, Simon Simeon, and John de Newmarche and their heirs; that each fee was worth c^{s} by the year, and that the said honour of Tutbury with the same fees was held of the honour of Lancaster. And the jurors found that the said duke died seised in his demesne of the advowson of the church of Werington, which he held for the life of the said William le Boteler knight by the demise of Richard de Wynwick, brother and heir of John de Wynwick, to whom the said William had demised it for that term. (Kuerden's and Dodsworth's *MSS.*; see also *Mamecestre*, vol. iii. p. 464, Chetham soc., where however the account of the fees is a little different.)

On the 15th March 37 Edward III. (1363) a deed, then made at Bewsey, shows that the grant of his estates by sir William le Boteler to his son, however occasioned, was no pretence but a reality; for the latter, calling himself sir John le Boteler knight, thereupon granted to William son of Robert le Bakester of Weryngton and Alice his wife and John their son, for their lives and the life of the longest liver of them, at the yearly rent of xii^{d}, a piece of land in the town of Weryngton lying near the Market gate, between the tenement of Adam de Lever on one side and the great house which Mathew de Sotheworth formerly held on the other, and extending in length from the tenement of John fitz Richard de Burtonwood as far as the channel in the king's highway, and in breadth in front of the same twelve man's feet (*hominis*), and at the back ten man's feet; and by the deed it was declared that the lessees might build upon and enclose the said piece of land, and make the best advantage of it they could, and

also might trade in bread, iron, fish, and other saleable articles, and might sell them without toll. (*Bold Deeds.*)

In the year 1364 we find sir William le Boteler mentioned by Dodsworth as witness to a grant, and in the following year as witness to another grant then made by sir Adam de Hocton to John Pilkington parson of Bury. So early as the year 1338 William le Boteler had married his eldest son Richard, then an infant, to Joanna a daughter of the great house of Dutton. The marriage seemed advantageous, and a large share, almost a third, of the Lancashire estates of the Botelers was in consequence settled upon the married pair. But the fairest hopes, like the fairest flowers, are most liable to blight. Richard, who it was hoped would live to raise the Boteler house to yet higher honour, died not long after his marriage without issue, and his widow then married John de Haydok, to whom and to Joanna his wife the re-leases of 1357, already referred to, were made. These re-leases, one or both of which were probably reluctantly extorted from William le Boteler, who felt that he was perpetrating a maim on his estate, were entrusted to one William de Moston to keep as a bailée. But now another step was to be made in this transaction ; the bailed deed was to be given up, and on the 12th March 40 Edward III. (1366), by an instrument in Norman-French dated at Werington, William le Boteler again re-leased to John de Haydok and Joan his wife and the heirs and assigns of the said *John* all the right and claim which he had in all the lands, tenements, rents and services, with the appurtenances, which the said John and Joan in anywise had in Werington, Burtonwood and Great Sonky, and of which a re-lease had been made and delivered to William de Moston to keep as bailée, and the said William le Boteler further ordered the said William de Moston to give up such re-lease to the said John de Haydok, and for so doing the said William de Moston was not to be impeached by the said William le Boteler or any other at any time thereafter. (*Legh Deeds.*) This deed, which must have cost William le Boteler a bitter pang, a pang

which would have been tenfold more intense could he have foreseen the amount of litigation and ill-blood which were to follow it for almost two hundred years, is authenticated by one of those large elaborate seals used in those palmy days of coat armour. Upon it, placed diagonally, is the Boteler shield, *azure* with the bend *or*, between six covered cups of *the same*. Above the shield is a helmet, shaped like a chapelle de fer, upon which is a scarf or kerchief of pleasaunce, and over all as a crest is a covered cup with a bird standing on each side of it, while round the seal runs this legend: "S·WILLI·LE·BOTILLER·DE·WERYNGTON."

In the same year William de Keckwick chaplain, who had his name from a place near Dutton, re-leased certain estates to her and her second husband John de Haydok.

Sir William le Boteler, who as we have seen had already obtained the bishop's licence to choose his own confessor for a time, was emboldened to ask a further indulgence from the Church, and on the 28th March 1368 the bishop of Lichfield at his request granted him a licence to have an oratory and to celebrate divine offices in his own house at Beause for two years. (*Lichfield Register.*)

In the following year there occur a number of deeds in which both lord William le Boteler and his son lord John appear as witnesses; so that, though growing old, sir William was not yet laid by. (*Legh Deeds.*)

Sir William, who had begun his career by granting land to the friars of St. Augustine at Warrington, now in his declining years showed that his interest in them had not abated by re-leasing to them on the 6th January 1371 all such interest as he had in Blanche meadow. In strictness no such confirmation was needed, but the friars thought so and he was willing to gratify them. (*Hale Deeds.*)

Having obtained this re-lease, the friars, who were always well advised and who knew that by the law of mortmain their title to the land without the king's concurrence was not complete, next sought and, on the 24th May 46 Edward III. (1372),

obtained the king's licence to hold such land for the enlargement of their house of residence without incurring any forfeiture. (From the original charter.)

In 47 Edward III. (1374) sir William le Boteler again occurs as a witness to a deed mentioned by Dodsworth.

William de Keckwick the chaplain, who had followed Joanna from her Cheshire home on her first marriage and had continued in her service after the second, besides being her spiritual adviser was now the trustee of her estates. Between his birthplace and Johanna's family, the Duttons, there was a connection of very ancient standing. Of Hugh fitz Odard an early Dutton, the seneschal of Halton, we have a charter made about the time of Henry I., which after the fashion of the times begins by calling on all christian men both French and English to give it their attention, and then proceeds to relate how William fitz Nigel the baron of Halton with William his son, having come to visit Hugh who was lying sick in his house at Keckwick, the baron and his son at his request granted to Hugh fitz Odard's son Hugh all the lands which the father held under William fitz Nigel, and how as having no longer need of them Hugh fitz Odard thereupon surrendered to William fitz Nigel his war horse and coat of mail, to which Hugh's son added a soar hawk and a palfrey as a gift to William's son. The sick seneschal held his office by a sword of state, but though sick and about to die he could not even then surrender this.

On the 25th February 50 Edward III. (1376) William de Keckwick the chaplain, by a deed dated at Werington, granted and confirmed to John de Haydok and Joan his wife (whom, as if he loved to remember her old name and her old home, he calls the daughter of the lord Thomas de Dutton) all those lands and tenements, rents and services with their appurtenances, as well of free tenants as of all others whomsoever, which he had on the day of the making thereof, by the gift and feoffment of the said John and Joan wheresoever in Werington, Magna Sonky and Burtonwode, of which lands and tenements, rents and services

with their appurtenances, the aforesaid Joan with Richard the son of William le Boteler her former husband, was seised and enfeoffed by the grant of the same William, and which lands and tenements, rents and services with their appurtenances, the lord William had re-leased to the aforesaid John and Joan for ever. And the said William de Keckwick also granted that a place in Werington, which Richard de Mascy of Tatton and Elizabeth his wife held of him in Werington for life, and eight acres of land in Burtonwode, which John fitz Richard fitz Hugh de Burtonwode held of him for life, all which ought to revert to him and his heirs after the death of the said Richard, Elizabeth and John, should wholly remain and go to the said John de Haydok and Joan his wife. The said William de Keckwick also granted to the said John de Haydok and Joan his wife the rents and services of a great number of free tenants in Werington by name, amongst whom was William fitz Robert Geffeson, "le belle-ward" (*i.e.* the bear-ward), and of others in Magna Sonky, to hold to the said John de Haydok and Joan his wife and the heirs of their body lawfully issuing; with remainder to the said John de Haydok and the heirs of his body issuing; with remainder to the said Joan and the heirs of her body issuing; with remainder to sir Lawrence de Dutton knight and the heirs of his body issuing; with remainder to Edmund de Dutton, brother of the said Lawrence, and the heirs of his body issuing; with remainder to William de Dutton, brother of the said Edmund, and the heirs of his body issuing; with remainder to the said Joan, daughter of the said lord Thomas de Dutton, her heirs and assigns for ever. (*Legh Deeds.*)

Henry of Bolingbroke, a well-known name in history, being now of age to receive the honour of knighthood, his father John of Gaunt duke of Lancaster, the superior lord under whom the Botelers amongst other Lancashire men held their lands, issued a summons in the second year of his regality (1378) for levying the usual aid to make him a knight, when Richard de Townley the receiver returned that in West Derbyshire he had received

from sir William le Boteler knight, for two knights' fees and one-third part and one-twelfth part of another such fee in Werygnton with the services, xlviii^{s} iv^{d}; that in Amounderness the same sir William held of the duke one knight's fee in Laton, Warbreck and Magna Bispham, at the rent of xxiii^{s} iv^{d} a year, whereof vi^{s} viii^{d} was for sak fee and x^{d} for Lawton in Polton (probably Laton in Poulton) held of East Greenwich by fealty; and also that the same sir William and one Nicholas Boteler held Magna Merton as a third part of a knight's fee, at the rent of v^{s} a year. (Dodsworth's *MSS.*)

Sir William died on Sunday next after St. Gregory's day (17th March 3 Richard II. 1380), but another account makes his death happen on the Sunday next after St. George's day (28th April) in the same year, which must be wrong, since his writ of *diem clausit extremum*, bears date 18th April, and must in that case have been issued before his death. Dame Elizabeth his wife died before him. Sir William's inquisition post mortem finds that he held of our lord the king and the duke of Lancaster for his life forty messuages, forty acres of land, twenty acres of meadow, three hundred acres of wood with the appurtenances in Burtonwood, in socage, and two parts of the manor of Werington with the appurtenances, together with the advowson of the church by knight's service, by grant from Henry del Boure by fine levied in the king's court at Westminster in 6 Edward III. between William le Boteler and Elizabeth his wife complainants and the said Henry del Boure defendant; and the inquisition further found that sir John le Boteler, sir William's son, was his next heir, and that he was of the age of 32 years, which is evidently a mistake for 52. (Dodsworth's *MSS.*)

Another inquisition post mortem on sir William fitz William le Boteler found that he held for the term of his life the manors of Great Laton, Little Laton, Bispham, and other lands and tenements, and a third part of the manor of Werington, by a fine levied in 14 Edward III. (other accounts say it was in the 12th year) between the said William and Elizabeth his wife and Hugh

Bachelor chaplain, by which fine the said lands were granted to the said William and Elizabeth for their lives, with remainder to Richard le Boteler since deceased and Joan his wife and the heirs of their bodies. (See the writs of *diem clausit extremum* and *amoveas manus* in the duchy of Lancaster office.) As it stands the record is not quite intelligible, and there must be some omission in it.

After living in the stirring times of Edward III., and escaping, once at least, a death which to a soldier had had in it more of ignominy than of glory, sir William le Boteler at last died peacefully in his bed at his own house at the age of 71. A short summary of his life and character therefore may not be out of place. Not distinguished by any great achievements in war or in public life, sir William was attended by prudence and her handmaid discretion, and he profited by their counsel. It does not appear whether he was of age when his father died, but he certainly was when he married dame Elizabeth one of the two daughters and coheiresses of the house of de Argenteyn, from whom the Botelers are supposed to have acquired their estates in Bedfordshire, Essex and Wiltshire. His father's prudence in marrying him before his own death not only kept his estate from suffering as usual by wardship during his minority, but it also saved him from being disposed of in marriage by his feudal superior without his own consent. Scarcely had he entered upon the family estates before he levied a fine and settled a jointure on his wife. Ten years later—when he had two sons, one of whom (Richard) he had prudently allied in marriage with Joanna de Dutton—he levied another fine, and settled almost a third part of his Lancashire estates upon the newly-married pair and the issue of their bodies in tail. In 1343, this son being dead, sir William settled a part of his remaining estates upon his second son John in fee; and, as if determined to leave nothing to chance, six years later he made a settlement of other lands on his third son Norman le Boteler in tail, reserving the render of a rose on every 24th of June, a render which it would be easier to

make at that season than in those months of April and May of which, according to the poet, that flower is the "glory." Sir William had his full share of war and military service. Twice in 1335 he had commissions to press and arm soldiers for Scotland. Two years later he was required to give his personal aid in the wars in that country, where, or in the neighbourhood, he served for some time. In 1342 came the war in Britany, where his service and his peril became the subject of history ; and four years afterwards, when the great battle of Crescy fired the soldiers of England, it is not unlikely that sir William was in the host, and the presumption that he was there is strengthened by the fact that none of the family deeds of that year bear date until two months after the battle. These services and the severe journeys by land and sea by which they were attended, though they had not made him richer — for the crown at that time was not a good paymaster, and the warrior who was not importunate often served at his own cost — yet had made him anxious to retire, and with the poet he sighed for repose,

"Sit modus lasso maris et viarum
militiæque."

In October 1356, as if desirous to retrench and to put his son John in his place, he conveyed to him in fee a further portion of his estate. The settlements thus made from time to time show sir William's affection for his children and his prudent regard for their interest, but the step which he took the following year must have caused him no little pain. His eldest son Richard having died without issue some years before and left Joanna his widow surviving, who had since married a second husband John de Haydok, sir William le Boteler in an evil hour released to him and Joanna the lands which he had formerly settled on his son Richard and Joanna his wife. Some constraint, possibly an inconvenient demand for the repayment of Joanna's marriage portion, must have been used to induce sir William to this act, nor

did he do it at last without some reserve, for the deed of release was not to go into the hands of John de Haydok and Joanna his wife but was to be handed to William de Moston, who was to retain possession of it until certain conditions were fulfilled, and it was in fact not given up until ten years afterwards, when sir William gave William de Moston the bailée the necessary authority to relinquish it; and by another release limited the estates after the death of John and Joanna de Haydok to the heirs of the body of John de Haydok in tail, which act completed the great maim of the Boteler estates.

Sir William was vigilant of his rights as a landowner, and was careful to improve his estate. In 9 Edward III. (1336), probably in consequence of a claim put in against the fine he had levied shortly before, he came to an agreement with John de Chisenhale rector of Winwick by which they settled the boundary of their respective lands between Warrington and Winwick. He followed the wise plan begun by his father of granting life-leases of his waste lands in Burtonwood, binding the tenants to enclose, improve and build upon them, and allowing them to agist their beasts on the unenclosed wastes, to take timber for building, fencing and firing, and also to dig turf from his moss. But he carefully guarded his own rights to enclose any part of the wastes nothwithstanding the rights granted to his tenants. Burnt ashes, which gave the name of Brundearth to many a field at that time, and the contents of the dung cart had been hitherto the chief food of the peasants' hungry acres, but now marl another material was added. This, which is now as scarce in Burtonwood as it was plentiful near Manchester when it obtained for the site of the bishop's palace its name of "Mauldeth," was at that time so plentiful in Burtonwood that it became a valuable ally of the farmers after sir William le Boteler had granted them the privilege of digging it from his waste lands.

Three hundred acres of wood, the remains of the grand old forest of West Derby, were still standing in Burtonwood; and, though the forest laws and the forest officers were gone, some

likeness of the old forester described by Chaucer still lingered in sir William le Boteler's chief woodman:

"He was clad in cote and hode of grene,
A shaft of pecocke arwes bright and kene
Under his belt he bare full thriftily,
Well coude he dresse his takel yemanly;
His armes drooped not with fetheres lowe,
And in his hand he bare a mighty bowe;
A not hed had he with a broune visage,
Of wood-crafte could he well all the usage.
Upon his arm be bare a gay bracer,
And by his side a sword and a bokeler,
A Christopher on his brest of silver shene,
A horne he bare, the baudrick was of grene."

Under the system of life-leases Burtonwood, fast increasing in population and importance, became the popular outlet from Warrington, whose thriving burgesses loved its woodland scenery, and resorted to the place for change and recreation as their successors now do to the environs of Cheshire. The effect of all this was seen when the *inquisitio nonarum* was taken and Burtonwood and Warrington were returned by the commissioners as being of equal value. They have not however run an equal race since.

But all the old inhabitants of Burtonwood were not content to remain there. They either found the influx from Warrington troublesome, or felt that longing for change which an old poet has described as natural to us all:

"Nemo quam sibi sortem
Seu ratio dederit seu fors objecerit illa
Contentus vivat!"

Among others Henry del Forrest, who derived his name from an ancient forest ancestry, sought and obtained from sir William le Boteler a new home in Warrington.

In the meantime sir William, by no means negligent of the interests of Warrington, obtained for the town a new paving

charter, by which its streets were paved and further improved. One of them which was so paved and improved was called "the Market strete." What were the people's amusements we do not know; at each of the two yearly fairs however there would probably be a Thespian troop to attract an audience, and then or oftener there was that cruel sport a bear bait, and sir William's rent roll has preserved to us the name of Geffeson as the name of the bear-ward.

Sir William was made a knight almost as soon as he came of age, and he ever remembered and was worthy of his spurs. By people of his own rank and by all who knew him he was held in much estimation. He was present and witnessed the foundation charter of the beautiful Haydok chantry in Winwick church, which was a great public occasion, and there were few charters of the neighbourhood in his time to which he was not a witness. He acted as a juror in the commission of assize, and was a trustee of various large estates, and amongst others of those of Henry duke of Lancaster.

The age for founding great religious houses was nearly past, but sir William le Boteler was not insensible to the claims of the Church. In his time the parish church of Warrington was rebuilt upon a larger scale and a more ornamental plan, some traces of which remain in the beautiful tracery of its chancel windows. As patron of the living sir William no doubt promoted this work and assisted it with his purse. But besides the parish church other works of religion received his attention; he gave his support to the Warrington friars when he was young, making them a grant of land for their convent purposes, and he confirmed this grant when his life was waning. He also confirmed to them another grant which they had received from one of his feudatories. One of his ancestors had made a grant of land to the abbey of Cockersand, and sir William also confirmed this grant. When he began to feel the weight of years he obtained from the bishop a licence to choose his own confessor, and two years afterwards he had a licence to have an oratory in his own house.

The children of sir William le Boteler and dame Elizabeth his wife were :

(1.) Richard, their eldest son, who married Joan daughter of lord Thomas de Dutton, and died without issue before 17 Edward III. (1343) leaving his wife surviving.

(2.) John, who was knighted before 32 Edward III., and who ultimately succeeded to the family estates, shorn however of that portion which was carried away by his brother Richard's widow.

(3.) Norman, to whom on the 12th October 23 Edward III. (1349) his father granted the lands called Mosswood in Burtonwood.

(4.) Elizabeth, who married sir Piers, son of Edmund de Dutton and brother and heir of sir Lawrence de Dutton. Sir Piers fought at Shrewsbury under the banner of Hotspur, and was afterwards pardoned for it. He was made keeper of Northwood park in 1 Henry VI. (1423), and he died in 12 Henry VI. (1433) aged 66. (*Hist. Chesh.*, vol. i. p. 479; *Notitia Cest.*, vol. ii. p. 210, Chetham soc.; Sir Peter Leycester, p. 255.)

CHAPTER XV.

SIR JOHN FITZ WILLIAM LE BOTELER, TENTH BARON.

SIR John le Boteler, who on the death of his father sir William succeeded to the barony of Warrington, was the first of his family for many generations who was not either an infant or only just of age when he came to the estate. He on whom it now devolved was in the vigour of his age, and had had experience which fitted him not only to manage to advantage his fair inheritance, but to take an active part in public affairs and shine both in the camp and the court. He was born about the year 1328, so that in 1380 when his father died he was 52 years of age. In 1356, about two months after the great battle of Poictiers, in which sir John was probably prevented from taking part by being with his father in the host of the duke of Lancaster (which though provokingly near was not actually in the field), his father sir William, as we have seen, granted him the manor of Werington with the advowson of the church, and the manors of Bewsey, Sankey, Penketh, Burtonwood and Laton; which might probably have proceeded either from some desire on his father's part to retrench and for that purpose to live in more retirement, or to place his son in a more prominent position in the county.

It was probably in consequence of his having obtained this grant that sir John's consent had been required when on the 22nd June 1357 John de Swynlegh was admitted to the rectory of Warrington, upon an exchange of livings with Nicholas de Wadyngton.

In 1358 sir John le Boteler knight, describing himself as son and heir of sir William le Boteler of Werington, re-leased to Mathew de Rixton and his heirs all his rights in a certain place of land in Werington lying between the New street (that is the Bridge street) there and the land of Henry fitz John de Lacheford. (Dodsworth's *MSS.*)

In 1359 sir John, again describing himself as the son of sir William, re-leased certain lands in Great Merton. (*Legh Deeds.*)

In 1363 he made the lease (which has been already alluded to and in which mention is made of the "market yate") to William fitz Robert le Bakester and Alice his wife, and John the said William's son, and to the survivor of them.

The next year saw sir John le Boteler take a most prominent part in a great public work — the rebuilding in a more substantial manner the bridge over the Mersey at Warrington. During the Roman times, when that river marked the entrance into a new province, the mode of transit across it seems to have been by a ford. In the Norman period a ferry boat either supplanted, or was added to, the ford; and Randle Blundeville earl of Chester, in the reign of Richard I., conferred on Hugh Boydell of Dodleston, lord of the manor of Lachford, the exclusive right of this passage between Thelwall and Runcorn. In time, the ferry and the ford having proved alike insufficient for the traffic, a bridge, which was probably of wood, was built. This is mentioned in one of the Boteler charters of 33 Edward I. (1305), and, as we may infer, it was still standing when the paving charters of 3 Edward II. (1310), 15 Edward II. (1322) and 12 Edward III. (1339) were granted. In 1364 however it had probably been swept away by a flood and was standing no longer; and a new bridge being required, sir John le Boteler (who although then a knight is not so styled in the letters about to be mentioned), Geoffrey de Werburton and Mathew de Rixton, on the 6th July in that year, received the king's letters ensuring them and their workmen the royal protection whilst engaged in building the bridge at Warrington "de novo." (Rymer's *Fœdera*, vol. iii. pp.

740, 741.) Before it was completed however one of the projectors (Mathew de Rixton) seems to have fallen into trouble and been outlawed, for on the 20th October 41 Edward III. (1367) the Black prince as earl of Chester granted to sir John Darcy the boat lately used for passing the river at Warrington, and also the unused stone which sir Geoffrey de Warburton had given to Mathew de Rixton for making the bridge, the said Matthew having forfeited the same and all his other chattels through his outlawry.. (*Chesh. Records.*) In 1369 however the new bridge was finished, for brother John, one of the Warrington hermit-friars, then received a licence to celebrate divine offices in the chapel at its foot for two years. (*Lichfield Register.*) Sir John le Boteler married Alicia the daughter of sir William Plumpton and widow of Richard son and heir of sir John Sherburne knight. She was married to her first husband in 25 Edward III. (1351), became his widow in 37 Edward III. (1363), and was married to sir John le Boteler probably in 1364. (Whitaker's *Hist. Whalley*, p. 462 ; *Whalley Coucher Book*, vol. i. p. 82*n*, Chetham soc.) This alliance of Boteler and Plumpton was but the renewal of an old family connection, for Margaret, dame Alicia's grandmother, was of the blood of the Vilars, ancestors of the Botelers and lords of Kinalton, Cotgrave, Owthorp and Newbold in Nottinghamshire, and of lands in the parishes of Eccleston and Croston in Lancashire as mesne lords under the house of Bewsey. (*Plumpton Papers*, pref. xxviii, Camden soc.)

About the year 1365—we have not been able to ascertain the time more exactly—John de Haydok preferred a complaint against "monsieur William le Boteler and monsieur John le Boteler *son fitz*" to John of Gaunt duke of Lancaster their seignor. (*Legh Deeds.*) The complaint no doubt arose out of the settlement made on Richard le Boteler's marriage with Joan de Dutton, and her retaining the settled lands notwithstanding his death without issue and her marriage with a second husband.

In 40 Edward III. (1366) sir John le Boteler was elected a knight of the shire for Lancashire in the parliament which sat

on the 4th April in that year, when he had for his colleague William fitz Robert de Radeclyfe. The session was over in twenty-two days, and the two knights returned home and were paid viii^{li} xvi^{s}, or 4*s.* a day each for their wages. (*Hist. Lan.*, vol. i. p. 306.) We do not know what was the business transacted in this short session, which was shorter even than one of queen Elizabeth's parliaments; at the end of which, when her majesty asked the speaker what they had passed, he naively replied, "Please your majesty, six weeks!"

Sir John, who was much abroad at this period, although of his whereabouts we have little account, must have been at home during part of the year 1369, for he appears then as a witness to one of the Legh deeds; and in the same year he granted to Gilbert fitz Mathew de Sotheworthe and Agnes his wife and Mathew their son, all those lands in Burtonwood which Gilbert held for the life of sir William le Boteler, sir John's father. The deed bears date at Burtonwood 21st June 1369.

The prince of Wales (who was at this time prosecuting the war in Aquitaine) having fallen sick, it seems to have been thought desirable to send him a chaplain, and the choice of such a chaplain fell upon John Donne, the former absentee rector of Warrington, who was accordingly selected for the purpose, and on the 18th February 44 Edward III. (1370) he received letters of protection on proceeding to join the prince. (Rymer's *Fœdera*, vol. iii. p. 888.) Of this expedition to Aquitaine and the muster before it some interesting particulars will be found in Dr. Hibbert Ware's *Foundations of Manchester* (p. iii). In the following year sir John le Boteler was witness to a grant by which Richard de Bold granted to sir Thomas de Dutton knight all his lands in Clifton and Weston in Cheshire. The Dutton seal attached to this deed has their usual coat, with a plume of feathers as a crest. (Dodsworth's *MSS.*)

In 44 Edward III. (1371) sir John le Boteler, described as of Werington knight, was in the retinue of John of Gaunt duke of Lancaster in the expedition then made into Gascony. (Dugdale's

Baronage, quoting the *Roll*, p. 653.) The Black prince and the duke of Lancaster during this expedition crossed the Pyrenees, and on the 3rd April 1371 gained the great victory of Navarete. In this battle the duke was present and did good service; and as sir John was probably with him he is entitled to a share in the glory of the day, and if crosses and decorations had been then in vogue he would possibly have received one in its honour.

Sir John le Boteler however, who had lately been in danger of being "scoured to death with perpetual motion," before the end of the year had sheathed his sword and had returned home to undertake an office of peace. On the 12th November 1371 the duke appointed him to be high sheriff of Lancashire, and five days afterwards Richard fitz John de Radcliffe his predecessor had orders to deliver to him all the prisoners in his custody, and all the writs, rolls and records relating to the office. (*Duchy Register*, 48, 139.) A short list would perhaps have sufficed for all these, for when a former high sheriff, Geoffrey de Werburton, yielded up his office at the beginning of the same king's reign, the prisoners in his charge, though their offences were great, were found to be only four in number; while the whole of the writs for this great county were but nineteen, and the other rolls and records only twelve. (*Arley Deeds*, box 4, No. 13.)

On the 18th July 46 Edward III. (1372) the duke of Lancaster, again intending to cross the seas in company with the king, wrote to sir John le Boteler knight the high sheriff, and to Mawkyn de Rixton and William Bradshaw esquires, to meet him and bring with them each twenty archers, and to Robert de Pilkington and Nicholas de Atherton to meet him and bring with them each ten archers. At the same time he gave orders to his receiver to pay each of them one month's wages in advance at the rate of 6*d.* a day. (*Duchy Register*, 154*b.*) A parliament man was then far better paid than a soldier!

Mawkyn (or Mathew) de Rixton, sir John's colleague in the building of the bridge, having recovered his old position and had his outlawry reversed, was now employed as a sort of admiral to

impress ships for the king's service at Liverpool. He and Robert de Pilkington enjoyed the duke's confidence both in peace and war. Mawkyn de Rixton was appointed his seneschal at Halton in the year 1373, and four days after he had a warrant to deliver to the prior of Norton two bucks from the park for the convent table; and two years later Robert de Pilkington succeeded him in his office as seneschal. (*Duchy Records.*) The expedition in which sir John le Boteler was now required by the duke's summons to take part, and which was intended to raise the siege of Thouars, sailed under the command of the king on the 30th August 1372; but after remaining at sea nine weeks, contending all the while with adverse weather, the king gave orders that the fleet should return to England. Thouars was in consequence surrendered, and the loss of this place was followed by the loss of all Ponthieu. (Henry's *Hist. Eng.*, vol. vii. p. 282.) Sir John le Boteler reaped no honour from this foreign service; he did not however lose his pay, for on the 22nd November following he had a warrant on the duke's receiver for Lancashire to pay him lvi^{li} viii^{s} viii^{d} for his wages. (*Duchy Register*, 160*b.*) On the 12th November 46 Edward III. (1372) he was appointed high sheriff of Lancashire for another year. (*Duchy Register*, 155*b.*)

In the same year (1372) a John le Boteler had a life estate in the manor of Roding Garnet in Essex, of which Humphrey de Bohun earl of Hereford and Essex had the reversion. (Morant's *Hist. Essex*, vol. ii. p. 473.) The Bohun title and property ultimately passed to John of Gaunt's celebrated son; and as the Bewsey Botelers held some Essex property, it is possible that sir John of Bewsey was the owner of Roding Garnet.

By a deed dated 47 Edward III. (1373), which is sealed with the original Boteler coat of six covered cups between a bend, sir John le Boteler and dame Alice his wife released to John Bayley one-third of certain lands, which she held for life in dower as the widow of sir Richard Sherburne knight. (Kuerden's *MSS.* in College of arms, vol. iii.)

In the same year Mathew de Rixton, who seems to have been a trustee of some part of the Boteler estates, granted to sir John le Boteler all the lands and tenements in Sankey which he had of the gift of Henry le Chamberlyn, and which the said Henry had received by the gift of lord William le Boteler. (Kuerden's *MSS.*)

On the 10th June in the same year sir John was witness to a grant made by Gilbert de Culcheth to his eldest son Thurstan, and he was witness to several other Culcheth charters at the same time. (*Culcheth Deeds.*)

The king having resolved to make another effort to recover his French dominions, and having appointed his son the duke of Lancaster his lieutenant in the kingdom of France and the dominion of Aquitaine, the duke on the 20th July 1373 set out from Calais at the head of an army of thirty thousand men, with which he marched through France to Bordeaux, ravaging the country as he went, but without having won a town or fought a battle. (Henry's *Hist. Eng.*, vol. vii. p. 283.) It does not appear whether his vassal sir John le Boteler was with him in this inglorious campaign ; but at all events he was at home before November in that year, for he was then (as sir John le Boteler of Weryngton) again appointed to be high sheriff of Lancashire for the following year.

On the 19th November 1374 he had orders to deliver up all writs, rolls and indictments &c. to Richard Townley, who was to succeed him in the office from the ensuing Christmas. (Booker's *Hist. Prestwich*, pp. 4, 5 ; and *Duchy Register*, 214.)

On the 22nd November 48 Edward III. (1374) he received a command as high sheriff to seize the manor of Prestwich into the duke's hands, by reason of the nonage of Roger de Longley. (*Duchy Register*, 215.) This was perhaps the last act of his expiring shrievalty; for on the 24th of the same month, when he is expressly styled of Weryngton, he received a grant of letters of protection on accompanying Edward le Despenser beyond the seas. (Rymer's *Fœdera*, vol. iii. p. 1018.) The duke of Lancaster's

late campaign, though it had somewhat resembled the course described in the celebrated old rhyme,

> "The king of France with twenty thousand men
> March'd up the hill and straight march'd down again,"

had however the effect of making both England and France more disposed to peace, and one of the ambassadors sent to endeavour to arrange the terms was le Despenser; but his embassy failed to effect more than a short prolongation of the truce between the two countries. (Holinshed's *Chron.*, p. 409; Henry's *Hist. Eng.*, vol. vii. p. 284.)

In the year 1377, a census being taken of the principal towns in England, it was stated that Lancashire contained no town worthy of particular mention. This statement, which could not be true, must have been made to answer some purpose, either to escape a tax or avoid a burden. (*Manchester Recorder*, p. 5.) It was formerly considered a tax to be obliged to send burgesses to parliament, and in the reign of Edward III. the return of the sheriff of Lancashire to the writ of summons commonly was that there were no cities or boroughs within his county from which any citizens or burgesses ought, or were wont, to be sent to parliament, on account of their slender ability or poverty, and this may have occasioned the above strange return to the census. (*Hist. Lan.*, vol. i. p. 308.)

King Edward III. having died on the 21st June in this year, Richard II. the new king called a parliament to meet at Westminster on the 13th October 1377, the alleged reason for which was that the French forces having overrun Flanders and being about to attack Calais, the king in order to repel them designed to embark for France, and that before doing so he required the advice of his great council. The knights sent to this parliament from Lancashire were John le Boteler and Nicholas de Haveryngton, who received for the wages of the session, which lasted sixty-six days, xxvi^{li} viii^{s} (*Hist. Lan.*, vol. i. p. 311), or 4*s.* a day each, which was not high pay for a service like this. No place

of residence is ascribed to the first named of these knights, and as there were both a John le Boteler of Merton and another John le Boteler of Rawcliffe, we cannot be certain that sir John le Boteler of Bewsey was the knight returned on this occasion, though this is rendered probable by what passed at the next election.

John of Gaunt's eldest son (better known as the celebrated Henry of Bolingbroke) though only 11 years old, being now thought of age to receive knighthood, his father in the year 1378 levied the usual aid to raise him to that honour, and the Boteler estates, as we have seen in the account of sir William le Boteler, did not escape paying their share of the contribution. In North Lancashire sir John le Boteler seems to have been separately rated to the aid at vi^{s} for the fourth part of a fee in Magna Merton, and at xx^{s} for one fee in Laton "cum membris." (Dodsworth's *MSS.*)

In the same year there is a record of a statute staple acknowledged before the celebrated sir William Walworth by Robert Boteler of Berdfield in Essex and John Richmond of Thaxsted. Although it mentions Berdfield where the Botelers of Bewsey had possessions, this record throws no light upon the origin of their connection with that place; neither does it show how, if at all, Robert was related to the Bewsey family. (Original record.)

The duke of Lancaster, having assumed the title of king of Castile and being about to proceed beyond the seas, commanded sir John le Boteler one of his feudataries to accompany him, and the latter received the letters of protection usual in such cases to exempt his person, lands and goods from process at law until the following Michaelmas. (Rymer's *Fœdera*, vol. v. p. 186.) In July of that year the duke set sail with a fleet and a great force for St. Malo in France, to which he laid siege; but the place being defended by the renowned Du Guesclin he was not able to reduce it, and he returned home. (Smollet's *Hist. Eng.*, vol. iv. p. 79.) The duke was not successful as a commander, and the French, making merry over his futile expeditions, gave occasion to the proverb, "John is as good as his master." (Frois-

sart's *Chron.*, vol. ii. p. 169.) Sir John le Boteler, who had sailed and returned with the duke, came back within the limits of his letters of protection.

In the year 1379 sir John le Boteler of Weryngton *chivaler* was again knight of the shire for Lancashire, having for his colleague sir William de Atherton. (*Hist. Lan.*, vol. i. p. 312; and *Duchy Register*, 18*b*.) The following year, when he was again elected for the same shire, he had for his colleague his neighbour Thomas de Southworth. (*Ibid.*) The commons in the latter parliament grudgingly granted a fifteenth and a half from the counties, and a tenth and a half from the cities and boroughs; and continued certain duties on wool, wool-fells and leather to defray the expenses of the war in France, Castile and Scotland. (Henry's *Hist. Eng.*, vol. vii. pp. 302, 303.)

On the death of sir William le Boteler in 1380 it was found, on the usual inquisition post mortem being taken, that the deceased knight held for his life the manors of Great and Little Laton, Bispham and other lands and tenements, and a third part of the manor of Weryngton. Some controversy seems to have arisen upon the finding of this inquisition, and on its being shown that by the fine of 4 Edward III. certain of the lands were settled by sir William and dame Elizabeth his wife upon themselves for life, with remainder to Richard le Boteler since deceased and Joan his wife who was still living, and the heirs of their bodies, the escheator was commanded on the 1st August 1380 to remove his hands from those premises, and to pay over the mesne profits received to Joan and John de Haydok her second husband. (*Duchy Calendar*, A 6, No. 38.) The inquisition having further found that the deceased knight held for the term of his life certain lands and tenements in Burtonwood, and two parts of the manor of Weryngton and the advowson of the church, and that by a fine of 6 Edward III. he had settled the same on himself and dame Elizabeth his wife and the heirs of the body of the said sir William, and that his son sir John was his next heir, the escheator thereupon, having taken his homage and fealty,

and also taken security for his relief, was commanded on the 6th August 1380 to give him livery of the lands. (*Hist. Lan.*, vol. i. p. 376; *Duchy Register*, 32*b*; *Duchy Calendar*, No. 37.)

Being now in full possession of the family estates, Sir John was desirous to make a settlement on dame Alicia his wife, but in that age such an object could only be accomplished circuitously; and accordingly on the 20th September 4 Richard II. (1380) he granted to his feoffees Henry de Bispham and Richard de Carlton, two chaplains, his manors of Great and Little Laton, Bispham and Warbreck, and other lands and tenements in Great Merton (*Inrolments in the duchy of Lancaster*), and three days afterwards these feoffees re-granted the same to sir John and dame Alicia his wife and the heirs-male of his body by her, with remainder to sir John's right heirs for ever. (*Ibid.*)

In the same year, there being great disputes between Richard Houghton and some of his neighbours, all the parties agreed to refer their differences to sir John as arbitrator to settle them.

In the year 1381 the old dispute respecting the lands settled on the marriage of Richard le Boteler and Joanna de Dutton, seemingly a most sleepless subject, broke out again and was again ended for the time by the levying of a fine at Lancaster in the fourth year of John of Gaunt's regality, in which John le Boteler of Weryngton chivaler was complainant and John de Haydok and Joanna his wife were deforceants, of the manors of Laton and Bispham, and certain rents issuing out of the Boteler estates and much other property, with a variety of exceptions. (From the Roll at Lancaster.)

This year saw the celebrated rising of Wat Tyler and his fellows. John of Gaunt duke of Lancaster, who was known to be of great authority about the court, was very unpopular with the rebels, who bound themselves to bear true allegiance to Richard II., but — which was especially meant to refer to the duke — never to submit to a king whose name was John. The duke was then absent in Scotland, but his feudatories in Lancashire were already on the way up from the country to oppose the rebels, of

which their leader becoming aware promised them they should pillage London before the Lancashire men arrived. (Froissart's *Chron.*, p. 475.) Sir John was probably one of those who were thus hastening to oppose the rebels. But the Lancashire men arrived too late to save the duke's palace in the Savoy from being razed to the ground.

On the 2nd December 6 Richard II. (1382), by a deed dated at Weryngton, Geoffrey fitz Hugh de Werburton released to sir John le Boteler knight, his heirs and assigns, all the right and claim which he had, ever had, or might have, in all the lands and tenements with their appurtenances in Burtonwode which William le Boteler, sir John's grandfather, had granted to Hugh de Werburton and Geoffrey his son, their heirs and assigns for ever. (*Bold Deeds.*) Although several grants to the Werburtons occur in the settlements of 1328, no mention has been found of any grant to Hugh, Geoffrey's ancestor.

In the eighth year of his regality (1385) John of Gaunt appointed his trusty soldier sir John le Boteler to be one of the conservators of the peace for the hundred of West Derby. (*Townley MSS.*)

The same year Ferdinand, master of the military order of St. James of Portugal, being about to proceed to that country to further the duke's views on the crown of Castile (his favourite *château en Espagne*), sir John le Boteler knight, lord of Werington, who had agreed to accompany him, received the usual letters of protection for himself, his lands and goods for one year during his absence from England. (Rymer's *Fœdera*, vol. v. p. 434.) On this occasion sir John was accompanied by two of his neighbours, Thomas de Southworth and Richard de Mascy, each of whom had similar letters of protection.

The next year (1386) the duke of Lancaster, with his wife and his daughters Philippa and Catherine, left England with the design of further prosecuting his claim to the crown of Castile. The fleet on which they and their large force (the flower of English chivalry) embarked set sail in July. The expedition, which

continued abroad some time, at last ended in what was both a success and a failure. The duke lost the coveted throne, but he found for each of his daughters a royal alliance, marrying Philippa one of them to the king of Portugal, and Catherine the other to the prince of the Asturias who on the death of his father became king of Spain; and thus, although the duke lost a throne, he seated his descendants on the two thrones of Spain and Portugal. (Hume's *Hist. Eng.*, vol. iii. p. 13.) After securing these advantageous matches for his daughters and a large sum of money for himself, the duke resigned all claim to the throne of Castile or any title to be called king of that country, and the next year he returned to England. During the expedition to Spain some of the duke's retinue seem to have made a pilgrimage to Oviedo, where one of his devout followers became a member of the confraternity of the church of St. Salvador in that city, and obtained the usual letters of admission. These letters, which are still in existence, are in the custody of one of the great landowners of Warrington, which renders it probable that they were originally granted to sir John le Boteler the then lord of that place. (*Hale Deeds.*)

Before the 12th September 1386 however sir John had returned home, for on that day he and sir Nicholas le Vernoun knight, sir Thomas Gerrard knight, and sir William Bromborough parson of Aldeford, sat as the king's commissioners to take evidence on the part of Grosvenor in the great trial of Scrope and Grosvenor. Sir John seems to have been allowed not much rest, for he had no sooner discharged one duty than it was followed by another, and the next year he was returned as "John le Boteler de Weryngton chivaler" as a knight of the shire for Lancashire, having for his colleague his late fellow commissioner sir Thomas Gerrard. The parliament, which had grave business on hand, lasted one hundred and fifteen days, and the two members on their return home received the sum of xlvi^{li}, or 4*s.* a day each for their wages. (*Hist. Lan.*, vol. i. p. 312.) This was the parliament which met on the 3rd February 1388, the object of which,

as declared by the chancellor, was "to consider by what means the troubles of the kingdom for want of good government might be ended, the king better advised, the realm better governed, misdemeanors more severely punished, good men better encouraged, the sea best kept, the marches of Scotland best defended, Guienne preserved, and how the charges of all these things might be most easily borne." (Henry's *Hist. Eng.*, vol. vii. p. 338.) These were great and laudable objects; but the chief work which the parliament accomplished was to condemn to death a number of the king's favourites. Royal favourites can hardly hope at any time to be popular, but the proceedings taken against these and the sentences passed upon them were so severe, that the parliament might well be called the "vindictive parliament."

In the year 1389, according to an old chronicler, "the Christians took in hand a journey against the Saracens of Barbary through the suit of the Genoese, so that there went a great number of lords, knights and gentlemen of France and England, the duke of Bourbon being their general. Out of England there went John de Beaufort, John of Gaunt's son by Catherine Swinford, sir John Russell, sir John le Boteler and others. They set forward at the latter end of this year and came to Genoa, where they remained not long before the galleys and other vessels of the Genoese were ready to pass them over into Barbary, and so about midsummer of the following year, the whole army being embarked, sailed forth to the coasts of Barbary, where they landed near to the city of Afric, at which instant the English archers with their long bows stood all the company in good stead, beating back from the shore the enemies which came to resist their landing. After they had got to land they environed the city of Mahemedia with a strong siege, but at length, constrained by the intemperance of the scalding air in that hot country which bred sundry diseases in the army, they fell to a composition upon certain articles to be performed on the part of the Saracens, and so in sixty-one days after their first arrival they took the seas again and returned home." (Holinshed's *Chron.*, p. 473.)

Sir John le Boteler was probably taken prisoner in this expedition, as it appears from an entry in the *Cheshire Records* of the following year (13 and 14 Richard II.) that the chamberlain of the county had paid him xx^{li} in part payment of lxxx. marks, of which he had a grant from the king towards the ransom of the said sir John, who was lately taken prisoner in war, which money was to be paid out of the issues of the manor of Bolyn, then in the king's hands by reason of the minority of William de Venables; of which issues the chamberlain charged himself at the foot of the estreat account of that year with having received the sum of xx^{li}.

On the 26th March 13 Richard II. (1390) Adam de Holden of Weryngton had letters of pardon in an outlawry against him for debt at the suit of John de Rixton. This only concerned sir John le Boteler as his superior lord. (Dodsworth.)

According to Dodsworth, a charter between "monsieur John le Boteler de Weryngton chivaler and Thomas de Hesketh" was made in 14 Richard II. (1390.)

In the same year sir John le Boteler bought from John Perusson the smith of Weryngton all his messuages, which were formerly William Payn's, in Sonkey street and upon Stanfield, and one acre in Boterlache, between the land of the prior and convent of Norton on the one part and the land of William Hallam on the other. (Lord Lilford's *Deeds*.)

Except his pilgrimage to St. Salvador sir John had hitherto paid no outward tribute to the Church. At this time however he seems to have desired to repair this defect by founding a chantry. In the fourteenth and fifteenth centuries when, by the operation of the law for restraining the further alienation of lands to the Church eleemosynary foundations on a large scale were discouraged, a practice grew up which soon became popular of founding chantries in parish churches, where prayers might be offered up for the founders, their families and connections. The desire to benefit by this species of vicarious prayer was congenial to the minds of our forefathers, more especially as they approached the

evening of life and wished to sanctify its close. These chantries as they were called, which were founded under licences obtained for the purpose, were generally placed towards the east end of the north and south aisles of our parish churches. (Bloxham's *Monumental Architecture*, pp. 86, 87.) Although no licence for the Boteler chantry (which stood at the north-east end of the parish church of Warrington) has been found, circumstances point very strongly to its having been begun if not finished about this time, and that sir John le Boteler was its founder. The Troutbeck chantry in St. Mary's at Chester (built in 1434) bore a great resemblance to the Boteler chantry, which was very probably its model. In the north wall of the Boteler chantry there were two ornamented ogee arches* which in Randle Holme's time were occupied by two effigies carved in stone, of which the more easterly—which was probably that of the founder—repre-

* These two arches were of the form in use in the times of Edward II. and Edward III. (Pugin's *Gothic Architecture*, vol. i. p. 2.) Blomfield says there are many such arches at Foulden and other places in Norfolk. There is also a beautiful arch like those at Warrington in the cathedral at Exeter, which bears date 1350; and there is another in Wilmslow church, Cheshire. The more easterly of the two arches at Warrington was the more ornamented, but it had no figure under it. Under the more westerly one lies a stone figure cut in hard dark grey stone, like that at Knowsley. It is gracefully designed but executed in a hard style. The head reposes on a square pillow; the hands are clasped on the breast in prayer. There is a fillet round the head, with small roses at intervals; and underneath a kind of veil, which falls behind and does not hide the face. The feet rest upon a spaniel with long ears, rather rudely executed. Corbels, representing warriors' heads which project from the wall at the head and feet of the figure, probably once supported a canopy over it. The most westerly head has a cap of chain mail. The figure, that of a female, is cut out of solid stone. It is narrower at the feet than at the head, and lies upon a slab of red sand-stone, to which it has at some time been fastened with iron stancheons or balusters about twelve inches apart, which seem to have been intended to protect the figure from injury, which seems to have always occupied the same position. Below the red sand-stone slab is a grave, which when opened (*me présente*) was found to contain pieces of oak but no stone coffin. Mixed with the light dusty soil in the grave there were various human bones, and towards the head of the grave two skulls much decayed. The grave had been opened before, for a small corner was broken off the back of the figure. In the grave there were also found floor tiles, pieces of old glass, a rusty iron stancheon, a few bricks and a coil of narrow lead.

sented a man in armour; and the more westerly a lady, which was probably his wife. The former effigy is gone, but the latter still remains.

Sir John le Boteler showed his regard for the public health and cleanliness of Warrington by a charter which he made in 17 Richard II. (1393), in which he makes it an express condition that the grantee shall not lay any filth or ordure of any kind in the public highway. (Lord Lilford's *Deeds*.) One of the Cotton manuscripts alludes to a fine which those incurred who laid ordure in the streets of London (*Catalogue*, p. 203); but the London *Liber Albus* contains no ordinance on this subject. Stanfield and Market gate are mentioned as parts of the town in two of sir John's charters of this year. (Lord Lilford's *Deeds*.)

On the 10th November 17 Richard II. (1393), by a Norman-French deed dated at Merton, "Nicholas Croft and Ellen his wife made a lease to monsieur John le Boteler of Weryngton" and William his son for their lives, of the lessor's lands, tenements and fisheries, including Marton Mere in Merton, Laton, and Northecrosse, paying yearly for the first twenty-four years a rent of cvi^{s} viii^{d}, and afterwards xx. marks a year. (*Legh Deeds*.)

On the 22nd August in the seventeenth year of the regality of John of Gaunt (1393) the duke of Lancaster being commanded by the king to take and arrest sir John Mascy of Tatton and sir Thomas Talbot knights, thereupon directed his warrant to sir John le Boteler knight and others to take the offenders. A similar warrant to apprehend them in Cheshire was issued to Robert Legh and others. They had not been taken however under either of these warrants on the 29th December following, for it was then found necessary to renew the Lancashire warrant against them. (*Townley MSS.*) What was their offence we are not informed, though we may infer that it was an affair of money; for sir John Mascy had been sheriff of Cheshire in 11 and 13 Richard II. (1387, 1389), and he had also farmed the manors of Thornton and Bolyn during the minority of William le Venables, and probably owed the king money on both accounts. Account-

keeping was not a matter in which the knights and gentry of that age were well skilled, and sometimes when the public rents they had collected were called for they were not forthcoming. (*Chesh. Records.*) He must have made his peace however before 18 Richard II. (1394), for the chamberlain of Chester then had orders to receive from sir John two hundred and forty marks as an instalment on account of the money he owed on the above account. (*Ibid.*)

Sir John le Boteler, whom we have just seen commissioned to arrest the king's debtor sir John Mascy, soon changed characters with him and became the king's debtor himself. How he became so we are not informed; but we read that amongst thirteen money obligations which were delivered to Michael de la Pole earl of Suffolk in 17 Richard II. (1393) was a simple bond of sir John le Boteler knight, in which he was bound to the said earl in c^s; and then we are told that this bond and the rest were delivered to lord Walter Malet the king's remembrancer of the exchequer, with orders to proceed to levy execution thereon. (*Ancient Calendars of the Exchequer*, vol. ii. p. 44.) The sudden rise of the de la Poles is amongst the most remarkable in our annals. A modern writer who has drawn attention to it says: "When Edward III. was at Antwerp and was in sore need of money, his want would not have been relieved but for the good luck of there being at that moment in the city a merchant of Kingston-upon-Hull named de la Pole, a man of substance who had been mayor of his native town. The Yorkshire merchant hearing of the king's great necessity opened his heart and his bags, and bade the sovereign take according to his need and not think of security. Edward was modest, and borrowed or took only a thousand pounds, which we may multiply by thirty to get at its equivalent in the present current coin of the realm. Instead of paying either interest or principal however, the king rewarded the Hull merchant by conferring on him very singular honours. He appointed him second baron of the exchequer, and to enhance the appointment made him a banneret. The merchant's thousand

pounds proved a good investment. William's son Michael was put to study the law, which his father had administered without having studied it. King Richard II. made him an earl and lord chancellor; but (being one of the king's favourites against whom the anger and revenge of the late parliament were directed) he died attainted and in exile. His son, of his own name, saw some gleams of good fortune" (*Athenæum*, p. 829, 22nd December 1866); and it was he who now received and delivered to the king's remembrancer the bonds of sir John le Boteler and the rest to be put in force against the debtors.

On the 12th July 18 Richard II. (1394) sir John le Boteler knight, Ralph de Ipres the duke's receiver, and eight others were made justices of the peace for Lancashire. (Dodsworth's *MSS.*, 87000 p. 78.) The king, who was in great grief for the loss of his wife the good queen Ann, who died on the 7th June in this year, soon afterwards sailed to Ireland, and the appointment of justices was thought a necessary precaution to preserve the peace in his absence. His office did not necessarily call sir John from home however, for he was a witness to one of the Rixton deeds on the Friday after Michaelmas day in the same year (Dodsworth's *MSS.*); and he was also a witness to one of the Legh deeds about the same time. (*Legh Deeds.*)

In 19 Richard II. (1395) he again occurs as a witness to one of the Legh deeds. (*Ibid.*)

Suits of outlawry must have been very prevalent at this time, since it was thought necessary to appoint commissioners specially to arrest such persons as were found to be outlaws; and on the 10th August 20 Richard II. (1396) the king issued a commission for that purpose addressed to sir John le Boteler and nine other persons, sir John being the first named, with express directions to apprehend all outlaws. (Dodsworth's *MSS.*, 87000 p. 80.)

In the parliament summoned to meet at Westminster on the 17th September 20 Richard II. (1397) sir John le Boteler de Werryngton knight was returned with Ralph de Radcliffe as a knight of the shire for Lancashire. (*Hist. Lan.*, vol. i. p. 313.) This

parliament, for which great preparations had been made and which might fitly be called the "retaliation parliament," was called to resist the machinations of the duke of Gloucester the king's uncle, and to call to account all those who in the former parliament had been most forward in prosecuting the king's favourites. After having sat at Westminster until the 29th September the parliament adjourned to meet again at Shrewsbury on the 27th January following. It was during this parliament that the quarrel broke out between the dukes of Hereford and Norfolk which forms the subject of the opening scene in Shakspere's *Richard II.* Sir John le Boteler must have attended both the sessions of this parliament, for he and his colleague received xvi^{li} viii^{s}, or the usual 4*s.* a day each for forty-one days. (*Ibid.*)

In the same year, being one of the recognitors in an action of assize brought by Christiana the widow of sir William Murres against sir Robert de Radcliff de Mere, John de Radcliff chaplain, Thurstan de Radcliff, and Richard brother of the same John, for disseising the plaintiff of tenements in Spotland, a writ of *habeas corpus* was issued against sir John le Boteler de Weryngton, which was intended to secure his attendance on the trial. (*Townley MSS.*)

On Monday 3rd November 21 Richard II. (1397), during the continuance of the Warrington winter fair, William Ryseley de Ryseley, by his charter dated at Ryseley, released to his brother Nicholas and his heirs-male all the right and title which he had or might have taken by the death of Henry de Ryseley his father in Ryseley; and in all his hereditaments in Culcheth, Kenyon, Croft, Lawton, Weryngton and Penketh, except a messuage and twenty acres of land in Culcheth. This deed, which formed part of an important family arrangement, was witnessed by sir John le Boteler knight, sir Gilbert de Haydock knight, and a number of other gentlemen, which shows the importance attached to it. (*Hale Deeds.*)

In the following year (1398) sir John occurs as a witness to another charter. (*Legh Deeds.*)

On the 3rd April 22 Richard II. (1399), when William Daniel of Deresbyre and Clemence his wife agreed with John de Bold that William the son and heir apparent of the said William should marry Sibille the sister of the said John, and that the said John should pay to the said William the father, for the marriage, c. marks; and when this agreement was carried out by a Norman-French deed made at Warrington, sir John le Boteler was one of the witnesses to this agreement between two of his neighbours, who had probably come to Warrington to have the benefit of his friendly counsel. (Dodsworth's *MSS.*)

On the 19th May 1399 the king set sail for Ireland. No sooner however was he gone than a cabal of his discontented nobles met to discuss their grievances and plot his overthrow. Northumberland, one of their leaders, thus announced to the rest this piece of secret news:

> "I have from Port le Blanc, a bay
> In Britany, received intelligence
> That Harry of Hereford,
> Well furnished by the duke of Bretagne,
> Is making hither with all due expedience."

This news proved but too true; for Bolingbroke, now become duke of Hereford and was no laggard in his movements, landed at Ravenspurg on the Yorkshire coast in July 1399, and forthwith despatched letters to his friends in all parts of England announcing his arrival and inviting them to join him, in order to enable him to regain, as he put it, his just inheritance, but making no allusion to any designs on the crown, which probably he had hardly yet begun to entertain. So tried a retainer of the duke's father as sir John le Boteler had ever been was not likely to be forgotten when these letters were sent out, or to linger if he received one, and as soon as he received it he probably hastened to join his suzerain. If he did so however, the journey proved his last, for after this period we hear no more of him; and it is probable that at his age the fatigue of so long a march being too

much for his strength he succumbed to it, and so he died as he had lived, with harness on his back. When or where the end came we are not informed, no inquisition post mortem, in consequence perhaps of the troubles attending the dethroning of one king and the setting up of another, having come down to us.

Sir John le Boteler's busy life came to an end at the same age as his father sir William's, but their career was in most other respects dissimilar. Sir William, although he had seen some foreign service, spent much of his time at home; and the numerous improving leases which he granted to his tenants show that he had an eye to improve his estate and increase its value. Sir John on the contrary was but little at home, and even then was almost constantly employed in the public service. His charters to his tenants were few, but they show that he was not indifferent to the importance of regulations for health and cleanliness. Either for war or as a negociator he was no less than seven times abroad on the public service. In the expedition which he made to Spain he is believed to have made a pilgrimage to Oviedo. Spain is a country famous for pilgrimages, as every one knows who has read the touching story of the dead ass, told by the old man its owner to La Fleur in the *Sentimental Journey*: "It had pleased heaven," he said, "to bless him with three sons, the finest lads in all Germany; but having in one week lost two of them by the smallpox, and the youngest falling ill of the same distemper, he was afraid of being bereft of them all, and made a vow that if heaven would not take him from him also he would go in gratitude to St. Iago in Spain." St. Salvador at Oviedo was as famous as Compostella in sir John le Boteler's time; for there, it was said, was a miraculous ark which was brought away by Philip bishop of Jerusalem, after that city was taken by Chosroes king of Persia, in the time of the emperor Heraclius. On the invasion of the Saracens Philip bishop of Ruspina removed it into Spain, where it finally rested at Oviedo, and where its arrival was commemorated by a yearly service in the cathedral on the 13th March. (Southey's *Roderick, the last of the Goths, in notis.*)

In this ark, a work of the tenth century, which was of solid oak covered with silver, were many smaller arks of gold, silver and ivory, which contained

> "The relics and the written works of saints,
> Toledo's treasure prized beyond
> All wealth, their living and their dead remains."

Amongst these treasures was a part of the true cross and of the crown of thorns, a part of Elijah's mantle, a sandal of St. Peter, and a long and incredible list of other relics. Besides these the church of Oviedo contained an object which would be sure to rivet a soldier's eye, the cross of Pelayo, the hero whom Rusilla so passionately apostrophises:

> "And thou, Pelayo, thou our surest hope,
> Dost thou too sleep? Awake, Pelayo, up!
> Why tarriest thou, deliverer?"

All these relics we may suppose were displayed before sir John le Boteler as he devoutly knelt at the rails of the Camera Santa and said the prayer which pope Eugenius appointed for the purpose, and to which he accorded one thousand and four years and forty days indulgence, which entitled the pilgrim to his *compostella* or certificate of fraternity: "Be favourable to me thy servant, O Lord, and grant that by the merits and pious intercession of thy saints whose relics are here preserved I may be defended from all adversities."

In a still later expedition when he had fallen into the hands of the Saracens, sir John beheld a sight far different from the Camera Santa — the interior of a Moorish prison; where, but that a ransom was found for him, he might have lingered long. Other employments however awaited his coming home, and he was three times high sheriff of the county, an office which if honourable in that age was at the same time onerous. He was once commissioned as a conservator of the peace, and once held office in the higher character of a justice of the peace. At

one time he had a special commission to apprehend two men of rank, and at another he had a general commission to arrest all outlaws.

That useful work, the building anew and in a more substantial manner the bridge over the Mersey at Warrington was principally due to him; and to him also we are inclined to ascribe the foundation of the Boteler chantry in Warrington church, which strengthened the hands of the parish clergy in their ministrations. Among sir John's multifarious employments was his commission to sit as a commissioner to examine witnesses on the part of Grosvenor in the heraldic dispute,

> "Which took root
> In le Grosvenor's assuming the arms le Scrope swore
> That none but his ancestors ever before
> In foray, joust, battle or tournament wore!"

In this cause more witnesses and of more varied ranks and ages were examined than in any other ancient cause on record. Amongst the witnesses were one sovereign prince, one duke, three earls, three barons, three abbots, two friars, eleven bannerets, *nature's true nobleman* the poet CHAUCER, and nearly one hundred and fifty other knights, esquires, gentlemen and others.

The commissioners sat at first in the church of the hermit-friars at Warrington, where, though sir Robert le Grosvenor appeared to support his claim in person, his adversary sir Richard le Scrope was content to appear only by his proctor. The evidence which the commissioners took at Warrington was that of John de Mascy, sir Laurence Dutton, Nicholas de Rixton, Roger the prior of Birkenhead, William de Rixton and Thomas le Vernoun. (Nicholas' *Scrope and Grosvenor Trial*, vol. i. p. 248.)

After the commission had sat two or more days at Warrington it was adjourned to Lancaster castle, where on the 19th September, before sir John le Boteler "baron de Werynton" and sir Thomas Gerard knight, the evidence of a great number of other

witnesses was taken; amongst whom was William del Slene, who swore to having seen sir Robert le Grosvenor wearing the disputed coat at Roche Sirion* in Poictou and other parts of France without challenge or dispute; and John de Mascy, who deposed to having seen the disputed arms painted by the Grosvenors in their proper blazon upon the cross at Bradley, on the highway between "Knottesford and Weryngton," for twenty-six years then past. Some of the witnesses examined before the commissioners were old—one of them, John le Boteler of Merton, was 72; but no living memory could go back to that very early use of the arms spoken of by Collins, who says that a Grosvenor wore them at Joppa and other places in the Holy Land in the year 1191. (Collins' *Peerage*, vol. v. p. 247.)

To sir John's other public business must be added his service in parliament, to which he was returned as a knight of the shire for Lancashire at least six times. In the parliament in which he last sat there began that memorable quarrel between Henry Bolingbroke and the duke of Norfolk, the opening page in "that purple testament of bleeding war" which ended in the war of the Roses:

> "When like a matron butchered of her sons,
> And cast beside some common way, a spectacle
> Of horror and affright to passers by,
> Our bleeding country bled at every vein!"

But sir John, who at the first call had hastened to support his suzerain without having any suspicion of his designs upon the crown, and merely went as Hotspur said Northumberland did to meet

> "A poor unminded outlaw sneaking home,"

escaped by his timely death the necessity of transferring his allegiance to him as his new sovereign. Sir John died at the age of 71, having fortunately lived to see his son of full age, and to

* Was this the Roche Perion of Froissart?

transmit to him his inheritance of the barony of Warrington free from those feudal claims of wardship and marriage which in that age awaited and so withered and wasted an infant's patrimony.

Dame Alicia the wife of sir John le Boteler was the daughter of that sir William Plumpton who was beheaded in 1405 for taking part in archbishop Scrope's rising, and she was descended from sir Gilbert Plumpton whom Ralph Glanville the justiciar was falsely accused of unjustly condemning. (Campbell's *Chief Justices*, vol. i. p. 24.) Dame Alicia survived her husband, but though of the same name she was not the illustrious lady who became governess to Henry VI., and who in the second year of his reign had express authority given her to chastise him when necessary (*Acts of the Privy Council*, vol. iii. pp. 143, 191); but who did not bestow the rod only on her royal pupil, for among other gifts she gave him a book (Rymer's *Fœdera*, vol x. p. 387), and was on the other hand rewarded with an annuity of xl^{li} a year for life out of the county of Chester. (*Chesh. Records.*)

Dame Alicia very early in the reign of Henry IV. held Laton "cum membris" in Amounderness. On the 4th April 5 Henry IV. (1404) she is mentioned as having one fee for her dower; and on the 16th November 1408 Henry archbishop of York granted her, as the widow of sir John le Boteler of Weryngton, a licence during his pleasure to have a fit chaplain to celebrate mass, *voce submissâ*, and other divine offices, before herself, her children and family, by a fit chaplain in chapels or fit oratories within her manor house or mansions wherever situate in the diocese of York. (Dodsworth's *MSS.*, and *York Register* under Bowett.)

The children of sir John and dame Alicia were:

(1.) William the eldest son, who succeeded to the barony of Warrington.

(2.) John, who became usher of the chamber to Henry V. and was at Agincourt.

(3.) Margaret, who is mentioned in the award on the Legh title as having given a collateral warranty to part of the Boteler

estates, and who is there said to have married an Ardern. (*Bold Deeds*, 23rd September 1505.)

(4.) Alice, who married John the son of sir Thomas Gerard. They had a son Peter, and two daughters Ellen and Elizabeth. She survived her husband and died about the 27th February 20 Henry VI. 1442. (*Hist. Chesh.*, p. 62, under Crowton; and *Chesh. Inq. p. m.*) Her brother John Boteler mentions her and her daughters in his will.

(5.) Elizabeth married her cousin Richard Boteler of Kirkland. For this marriage Boniface IX. who became pope in 1389 granted a dispensation on the kalends of January in the twelfth year of his pontificate.

CHAPTER XVI.

SIR WILLIAM FITZ JOHN LE BOTELER, ELEVENTH BARON.

Sir William Boteler, the son of sir John and dame Alicia, was born most probably at Bewsey the family mansion about the year 1373. He must have been of age in 1394, for in that year he and his father took a lease of lands in Merton in North Lancashire. We must presume that he was a Lancastrian, for in 1 Henry IV. (1399) he was one of the forty-six knights of the Bath made on the revival of the order at the king's coronation, which took place on the 13th October in that year. Among the other knights created at the same time were sir John Ashton of Ashton-under-Lyne, who at a later period was made seneschal of Bayeux and captain bailiff of Constantine in France (*Hist. Lan.*, vol. ii. p. 532, and the *Norman Rolls*), sir John Ardern another Lancashire man, and the celebrated Richard Beauchamp then only 19 years of age. One of the French chroniclers, who was evidently misinformed, calls sir William Boteler the king's trumpeter. (*Traison et mort Ric. II.*, p. 74, *in notis.*) On the Saturday before the coronation the princes, nobles and gentlemen who were to be knighted watched their arms at night, and each had his chamber and bath in which he bathed, and after mass the next day the king created them knights and presented each of them with a long green coat. The coat had long sleeves lined with miniver, and on each shoulder a double cord of white silk with white tufts hanging from it. Sir William Boteler, as one of the new-made knights, joined

in the procession which escorted the king from the tower to Westminster on the day before the coronation. The king rode all the way bareheaded, mounted probably on that roan Barbary the late king had loved so well, and he wore a short coat of cloth of gold after the manner of Almayne, with the livery of France about his neck and the garter on his left leg. He was accompanied by the prince his son, six dukes, six earls, eighteen barons and nine hundred knights and squires on horseback. In its way through London a great number of nobles, whose servants were all clothed in their masters' livery, swelled the procession. Besides these there were all the burgesses and Lombard merchants of the city, each craft bearing its livery and device. The number of mounted horsemen was not less than six thousand. (Froissart's *Chron.*, vol. ii. p. 698.) The creation of such a number of knights, in a manner which though it had been heard of before had fallen into disuse, but was revived on this occasion, was intended, as well as the great pageant of the king's coronation, to dazzle the people and prevent their scrutinizing too narrowly his usurped title.

At the coronation dinner the king was seated at the middle of the table, which was raised two and a half feet above the ends.

> " Apré le duc Henry saisis
> Fu droit du milieu de la table
> Qui estoit par feste notable
> Plus haulte deux pies et demi
> Que les deux bous."
> (*Harl. MSS.*, 1319, fol. 65.)

On the 4th April 5 Henry IV. (1404) sir William Boteler married Elizabeth the daughter of sir Robert Standish of Standish knight, and he made a marriage settlement of his estates on the occasion, in which sir Robert Standish, Alexander Standish parson of Standish, sir John Ashton knight and Radulph Standish were the trustees. On the 23rd January 45 Edward III. (1372) sir Robert was retained by John of Gaunt to serve him in peace

and war for his life at five marks a year, which may explain why he and sir William Boteler his son-in-law so readily espoused the cause of Bolingbroke. Sir John Ashton was at Agincourt, and Radulf Standish served kings Henry V. and VI. in their wars in France, where he was slain.

Warrington at this time received a visit from the prince of Wales, of which the occasion was this. In 6 Henry IV. (1405) the rebellion which was thought to have been put down at Shrewsbury showed new signs of life, and the king thought it necessary to raise forces and march northwards to subdue it. He sent orders to sir Robert Legh of Adlington, through the prince of Wales, to march in person and meet the prince at Warrington with one hundred defensible and honest bowmen in good array for war, to go with him from thence to the king at Pomfret. (*Adlington Papers.*) It is probable that sir William le Boteler received a similar summons, and it is almost certain that so devoted a Lancastrian would not fail to meet and entertain the prince when he arrived. It seems likely that Warrington was made the rendezvous of a large force at this time.

In 8 Henry IV. (1407) sir William was elected and served as a knight of the shire for the county of Lancaster. (*Hist. Lan.*, vol. i. p. 314.) A deed made by him on the 15th August in the same year shows very clearly that the Sankey brook, unlike the fetid sewer which it now is, was then a valuable fishery, for sir William then granted to William Daas the parson of Winwick the right to make an attachment (that is a weir or fender, something to take the fish prisoners) in Sankey water. (Lord Lilford's *Papers.*) On the 21st September in the same year a great crime was committed at Warrington — the murder of Christopher de Sotheworth, who is mentioned in sir William Boteler's settlement as one of his tenants. The murder was perpetrated by William Massy, Thomas Massy, Thomas Dokesbury, Hugh Holbroke and several other persons, all of whom fled. It was the custom in those days when a crime was committed and the offenders fled, to make inquiries into the cir-

cumstances, — not as now by the justices of the peace, but by an officer called the escheator and a jury ; and such an inquest being taken on this occasion to ascertain whether the offenders had fled, and if so what goods they had left, it was found amongst other things that Dokesbury, besides having land in Middleton near Winwick, had left a horse and saddle worth 40*s*., which had devolved to sir William le Boteler his feudal lord. The inquisition gives no account of the origin of the crime, nor whether the offenders were ever taken, nor, if taken, what was or would have been their punishment ; but we may infer that a fatal crime in which so many persons were implicated must have arisen out of some public quarrel, and was no mere matter of private revenge. Christopher de Southworth the victim was probably a member of the great family of his name at Croft-with-Southworth.

In 9 Henry IV. there occurs another instance of the existence of *minera carbonum* in this neighbourhood. (*Inq. p. m.*, p. 317.)

On the 6th November 10 Henry IV. (1408) dame Alice Boteler, sir William's mother, obtained a licence from the archbishop of York to have a private oratory in her house at Bewsey for herself, her family and children. (Dodsworth's *MSS.*) In the next year sir William seems to have taken part in the public administration of justice, for in that capacity the king addressed a commission to him and others to cause Roger de Dalton to be apprehended and lodged in prison wherever he might be found within the duchy of Lancaster. Roger's offence is not stated in the commission, an omission which in a later age, when all general warrants were set aside for that reason, would have been sufficient to make it void. Sir James Haryngton, who was joined with sir William in this commission, seems also to have been acting as a justice of the peace in the neighbourhood at this time, for very shortly after when Richard de Radcliff and Nicholas de Risley were required to find sureties to keep the peace they appeared before him to enter into the proper recognizances. (*Hale Deeds.*) Quarrels which are now confined to another rank were then common between acred gentlemen. On the

3rd October 11 Henry IV. (1409) the reversion of some of his family estates having fallen to sir William Boteler by the death of his mother, or some other dowress or tenant for life, he executed on that day a conveyance of these lands to the trustees of his marriage settlement, to be held on similar trusts. (*Bold Deeds* in Dodsworth's *MSS.*) Formerly deaths and marriages succeeded each other more quickly than they do now. At this time sir William's son and heir apparent, John Boteler, was still an infant; but it was always a matter of policy in that age for a landed man to marry his heir in his lifetime, lest his feudal superior should claim the right to sell the marriage of the unmarried heir. Accordingly on the 12th November 13 Henry IV. (1411) sir William contracted to marry his son and heir apparent, John Boteler, to Isabella the daughter of sir William Haryngton, and settled upon the young couple and the heirs of the bridegroom in tail his estates in Wiltshire, Essex and Bedfordshire as a marriage provision. It was very usual in ancient times to find the great landowners making a gift of some part of their lands to the Church in return for spiritual services to be rendered by the receivers. Sir William Boteler is not known to have made any such gift; but in 1 Henry V. (1413) he joined sir William Babbington, the trier of English petitions in parliament and afterwards chief justice of the common pleas, in selling to the priory of Erdbury in Warwickshire some lands at Nuneaton. (Dugdale's *Warwickshire*, p. 774*a,c.*) This could not be done without infringing the statutes of mortmain unless the crown consented, and the priory took care to fortify themselves with such consent under a writ of *ad quod damnum* issued that year. (*Calendar Rot. Chart.*, p. 368, No. 31.) But the time was at hand when arms and armour and the furniture of war would be wanted. In 1411, only two years before, another William Bouteiller, a Frenchman, having occasion for a steel habergeon, *ung habergeon d'acier*, paid for it *xl. livres x. sols Tournois.* (Williams' *Chron. Traison et mort Ric. II.*, p. 151.) We shall see that sir William Boteler of Warrington and Bewsey had occasion to make many

such purchases, and the sale of his land to the priory of Erdbury was probably to enable him to make them.

But if sir William Boteler had now occasion for arms and armour it was to use them for a more stirring purpose than when in a later age it was said of those hastening to the "Field of the Cloth of Gold,"

> "O, many
> Have broke their backs by laying manors on them
> For this great journey."

The new monarch, with a view to assert his right to the crown of France and to add its lilies to the arms of England, having resolved to invade that kingdom, had recourse to the mode which was in use with our monarchs in the fifteenth century for bringing armies into the field. This was to engage with such of his subjects as were willing and thought fit to serve him in person with a certain number of soldiers for a fixed period, and upon such terms as might be mutually agreed upon. On the king's part this was a kind of retainer, and on the part of those retained a sort of enlistment by wholesale. Like most bargains in old time this was effected by a series of contracts which were called "indentures," written in two parts on the same piece of parchment with the word "indenture" or some other word between them, which word was cut through in a wavy line toothwise, after which the two parts were separated and one part given to each of the contracting parties. In the case of king Henry V. these indentures were threefold: *first*, an indenture of *military service*, by which the contracting party engaged to attend the king for one entire year in the journey he was about to undertake in person to Guienne and the parts of France, either with a determinate number of men-at-arms and archers, or with archers only. In this indenture the wages of the party retained are specifically set down; every knight was to have 2*s.*, each of his men-at-arms 1*s.*, and each archer 6*d.* a day, besides an accustomed reward or bonus of one hundred marks per quarter for every thirty men-at-arms. The ransom of prisoners of distinction,

by whomsoever taken, was reserved for the king, but that of other prisoners was to be divided between him and the captor. The *second* of these indentures was that of *prest money*, by which the parties retained acknowledged to have received payment of the first quarter's wages in advance before their service commenced. The *third* was an indenture of *pawn*, by which the king placed in the hands of the contracting parties articles of plate, jewellery, and even crowns and coronets, for securing the payment of the remainder of the stipulated wages and reward when the service should have been performed, and which articles, when the wages had been paid, the receivers engaged to return. Collectively these indentures present quite a dazzling view of the riches of the old sovereigns of England in silver and gold plate, and the choicest works of the goldsmith. (Hunter's *Tract on Agincourt, passim.*) There must have been great enthusiasm, or a great army could hardly have been mustered in this business-like way. On the 29th April 3 Henry V. (1415) sir William Boteler indentured with the king as above to attend him to Guienne and the parts of France for one year with ten men-at-arms (counting himself one) and thirty archers, at the wages of 2*s* a. day for himself, 1*s*. a day for each man-at-arms, and 6*d*. a day for each archer, with the accustomed reward of one hundred marks a quarter for every thirty men-at-arms; but if the voyage were only to Guienne the rewards were to be at a lower rate. (Rymer's *Fœdera*, vol. ix. p. 223.) A soldier's pay had risen considerably since the Welsh war in 10 Edward I. who paid his archers at Rhuddlan each 2*d*., his captains 3*d*. and the constable 4*d*. a day. Besides this indenture with the king himself, sir William Boteler was one of the ten Lancashire men who in the same voyage contracted with sir Robert Urswicke the sheriff of Lancashire to bring fifty archers each to serve in the field. With these fifty archers and the liberal contingents of the other loyal Lancashire knights the king must have been provided from the county with a very large proportion of his whole army, which consisted of only six thousand men-at-arms and two thousand four hundred archers,

who sailed with him to France and achieved the glory of Agincourt. The indentures of military service, which were all of the same form, must have been kept in blank ready to be filled up; and that of sir James Haryngton (the valiant soldier who took prisoner the earl of Douglas, so highly commended by Hotspur for his feats at Shrewsbury, and was rewarded for it in 4 Henry IV. with a pension of one hundred marks a year) is still in the possession of lord Lilford, who acquired it with the Boteler papers, of which family sir James was a near connection. Throughout this indenture sir James's name has been written on an erasure. That this indenture was left in the family possession was probably owing to the circumstance that when he and his retinue were ready to sail the king countermanded the order, and commanded him with one of his archers to remain at home for the security of the northern parts.

Early in August 1415 sir William Boteler joined the king with his retinue of nine men-at-arms and thirty archers. The men-at-arms were: William de Assheton, John Syngylton, Robert Meylys, Gilbert Massey, Thomas Assheton, John Assheton, Geoffrey Hesket, Robert Heton and William Pole. The archers were: Gerard Kylbeke, Gilbert White, Denis Halheton, Robert Slakke, Robert Sumnor, William Heye, Thomas Brownlow, Richard Smyth, Robert Assheton, Richard Assheton, Richard Hobson, John Ellale, John Blakeburn, John Kyrdale, Thomas Brethyrton, William London, Robert Taylor, John Calane, Robert Balshagg, John Orford, Robert Walhyll, Thomas Verdon, John Welforde, Robert Pyper, Thomas Smyth, John Forde, Richard Whyttyll, John Jackson and Henry Jenkynson.

We give these names because the desire seems natural to know who were the spirited men who engaged in the king's cause and volunteered to accompany the lord of Warrington to France. Among them we find only one name — that of John Orford — which seems more especially to belong to this neighbourhood. We have found no record of the names of the fifty additional archers whom sir William Boteler contracted with the high sheriff to supply for the king's service.

Dame Elizabeth Boteler, sir William's wife, remained at Bewsey we presume during his absence; but many of the commanders in those unquiet times, when the rufflers of the camp was a proverb, thought it prudent to provide their wives with some safe place of retreat while they were away. Thus we read that sir William Claxton, going to the French wars in 1416, agreed with sir Thomas Surteys to receive dame Elizabeth his wife, with her waiting maid and page, into his house at Dimsdale for one year for the sum of ten marks. (*Hist. Durham*, vol. iii. p. 231, Surtees soc.)

Sir William Boteler has unfurled his banner and he and his retinue are now at Southampton ready to go aboard, first taking such leave as may be best described in the poet's own words:

"There might a man have seen in every street
The father bidding farewell to his son;
Small children kneeling at their father's feet;
The wife with her dear husband ne'er had done;
Brother his brother with adieu to greet;
One friend to take leave of another ran;
The maiden with her best-beloved to part
Gave him her hand who took away her heart;
The nobler youth, the common rank above,
On their curvetting coursers mounted fair —
One wore his mistress's garter, one her glove,
And he a lock of his dear lady's hair,
And he her colours whom he most did love.
There was not one but did some favour wear,
And each one took it on his happy speed
To make it famous by some knightly deed!"

(Drayton's *Agincourt*.)

Henry V. has the credit of having been the first of our sovereigns to create a navy of ships of war, the germ of which began with the capture of a number of carracks which he took from the Genoese. (*Traison et mort Ric. II.*, p. xxii.) But at the

time of which we write this capture had not been made, and the fleet of one thousand four hundred vessels which was to transport the army to France was probably hired and impressed in the different ports of his kingdom.

The host being now ready the king and his suite embarked on board a vessel called the Trinity. The royal standard was quickly hoisted, and amid the blare of trumpets, the roar of ordnance, the martial strains of the king's band of eighteen musicians under the leading of John Cliffe their bandmaster, and with streamers flying from all the ships, the fleet, with all the pomp and circumstance of war, cast off its moorings in Southampton water and put to sea on the 7th August.

Fortune at first did not seem to smile on the enterprise; the voyage was long, and after being at sea more days than it would now take hours to make the passage, the fleet arrived off the Seine on the 15th August, entered that river and cast anchor at Kidecaws, that is "Chef de Caux," the chief place or head of the Caletes, the people mentioned by Cæsar (*De Bello Gallico*, lib. ii. ch. iv.); and all doubt, if any such ever existed, as to whether the expedition was destined for Guienne was at once dispelled. The place of landing was about three miles from Harfleur, in an exposed place full of rocks on which the ships were in danger of being dashed, and where (had the French been alive to it) there was an ammunition of small stones ready with which the slingers might have annoyed the invaders.

From the shore there ran up between the landing place and the plain of Harfleur some deep ditches full of water, and on the other side of them a great thick mud wall with battlements and towers and a pathway of only a cubit's width, which crossed over the ditches and through the wall, and was continued as far as the marsh before Harfleur, half a mile from the town. But by some want of care or unaccountable negligence these outworks were found without any defenders, though a mere handful of men might have repelled a host. The marsh however was still more difficult to pass, not only because of its many ditches and creeks

which were filled at every tide, but because of the narrowness of the ways across it, which a small force might easily defend. When his scouts had reconnoitred the country the king and the whole army came on shore and took up a position upon the hill nearest Harfleur, his right being covered by a low wood towards the Seine, and the left by a hamlet and some enclosures and orchards. On the 17th, having issued strict orders that all churches and sacred edifices with their goods should be respected, and that none should do violence to any woman or lay hands on any priest or minister of religion, the king moved towards Harfleur in three lines, of which his own was the centre. Towards the Seine and the river Lezarde, which flowed into it, the town was blockaded by the fleet.

In which of the three lines of the host sir William Boteler and his retinue were placed we are not informed; but some circumstances, which we shall learn further on, lead us to infer that his position was too near the marsh which has been mentioned.

Pays de Caux where the king landed was not unknown in English annals before, for it was a knight of that country, sir Elatse du Marais, who conferred knighthood on the famous soldier Du Guesclin after he had added to his renown by taking prisoner our great Cheshire hero sir Hugh Calveley.

The king, as we have said, having posted himself on a hill which overlooked Harfleur, next sent the duke of Clarence with his force to occupy the opposite side of the town, while he ordered the fleet to blockade it towards the side of the water and the port, and in this manner the whole town was invested. The creek and the river Lezarde, which there flows into the Seine, and the ditches formed and filled by them, were a strong natural defence to the town on the side towards the king; but in addition to this the whole place was still further fortified by a strong embattled wall having towers at intervals, and three strong entrance gates, one at the north, another on the east, and a third opposite the king's camp on the west. All these entrances had in front of them wide and deep ditches full of water, intended to

render the approach to them more difficult. Before each gate was a barbican or bulwark, each of which was also surrounded by a deep and well-filled moat. As soon as the leaguer was thus complete the besiegers *without* vigorously pushed on the siege, and were as vigorously resisted by the besieged *within*. Henry had with him a body of one hundred and twenty miners under Henry Deane his chief engineer, and twenty-four cannoniers under the leading of Peter Gascoigne, and his engines and ordnance so told upon the walls and towers and other artificial outworks of Harfleur that they were in time almost reduced to ruin, and rendered well nigh useless as a defence. On the 16th September the besieged, who still retained their valour though they had lost almost all else, made a vigorous sally from the great bulwark, when they were driven back and pursued by the English, who rushed in after them and gained possession of the bulwark. It was then we may imagine that the king addressed to his troops those stirring words:

> "Once more unto the breach, once more,
> Or close the wall up with our English dead."
> (*Henry V.*, act. iii. sc. 1.)

In this capture of the enemy's fortress sir William Boteler and his retinue possibly took part, and if so they shared in the glory of its success. But the besieged, who were beginning to feel their situation almost desperate, had before this time let down a messenger over the wall by night, with instructions to repair to the dauphin and inform him of their critical situation, now craved a parley in which they offered to surrender the town on a certain day, unless in the meantime the dauphin should raise the siege. To this the king acceded, and the hoped-for relief having failed them, the town after a siege of thirty-six days was surrendered and given up to the king; and a poet thus sang its downfall and king Henry's triumph:

> "He sette a sege, the sothe to say,
> To Harflete town with royal array;

That town he wan, and made a fray,
That France will rywe 'til dome's day.
Deo gratias Anglia
Redde pro victoria."

But all the loss, alas! was not only on one side, that of the besieged; the victors acknowledged that their triumph had been dearly won. The loss *within* the walls had been great; the loss *without* was greater. While the siege was proceeding with vigour there appeared, stalking through the English camp, the same dread enemy that has appeared at almost every siege from that of Troy one of the earliest, to that of Sebastopol one of the latest:

"Deadly pestilence
The camp afflicted, and the people died."

This gaunt and grim enemy, whose presence fills brave men with fear and makes even dreadful war itself more fatal, and is perhaps sent in order to deter men from engaging in it, proved no respecter of persons. Amongst its most illustrious victims were Thomas earl of Arundel, Michael de la Pole earl of Suffolk, the lords Morris and Brunel, Richard Courtenay bishop of Norwich (the king's dear friend whom he attended through all his sickness and nursed with his own hands, and whose loss he mourned with the affection of a brother), sir Roger Trumpington, sir John Southworth and sir Hugh Standish, the last two being knights from this neighbourhood, one of the Cheshire Breretons, sir John Philips another Cheshire man, and sir William Boteler baron of Warrington, with many other nobles and gentlemen from other parts of England. (Tyler's *Hist. Henry Monmouth*, vol. ii. p. 148; Whitaker's *Hist. Whalley*, p. 430; *Hist. Cheshire*, vol. ii. p. 331, vol. iii. p. 449.)

The sickness was so severe that it carried off about five thousand of the English army, and severely tasked the courage and fortitude no less than the gentler feelings of the royal leader of the besieging host.

If sir William Boteler was present, as we suppose, at the sally and repulse of the enemy on the 16th September, he then donned his armour for the last time, for he was attacked immediately after with dysentry, the form of the prevailing pestilence, and either on the 20th or 26th of the same month (for accounts differ) he succumbed to the disease and breathed his last on the plain before Harfleur. The disease to which he and his fellow soldiers fell victims was probably the offspring of the unwholesome exhalations from the marsh around Harfleur, near which they were encamped in the hot months of August and September. The king's commissariat was well provided with stores of food and wine, and a regular account was kept of the persons to whom it was from time to time supplied and they were debited with the amount, which may show us how the Lancashire archers were fed. Thus we find that sir James Haryngton's bowmen received from the stores at Harfleur one hundred and seven quarterns of flour, twenty-three cwt. of beef, and eighteen tuns fifteen gallons and two pitchers of wine, which were debited to the knight's account.

The consolations of religion were administered to the sick and dying by master John de Bordin the chronicler of the expedition, master Edmund de Lacy the dean of the king's chapel, and nine other priests who accompanied the king; but the army's bodily ailments do not seem to have been foreseen or sufficiently attended to, for the list of the sick at Harfleur was a very long one. Thomas Montacute earl of Salisbury, by an indenture of 1st June 3 Henry V. (1415), engaged William Bosan to attend especially on his person for one year, and engaged to pay him forty marks for the year and to find two archers to attend upon him, each of whom was to have twenty marks. Two other persons, Thomas Moristede and William Bradwardine, were retained by the king to serve in the expedition with six archers and eleven "sirgiens." If, as is probable, Bosan was the earl of Salisbury's private medical attendant, and Moristede and Bradwardine with their eleven "sirgiens" (the spelling of this word was then very arbi-

trary, in another place it is spelt "surgean") were the whole medical staff of the army, the number seems greatly too small, and under these circumstances the energies of the medical attendants must have been tasked to the utmost.

On the 17th September, only a few days before sir William Boteler's death at Harfleur, Michael de la Pole earl of Suffolk was carried off by the same disease at the same place, to the king's great concern. On the 4th of October eight of his men-at-arms, Robert Belton who had charge of conveying the earl's body to England, John Clifton charged with a message from Michael de la Pole the deceased earl's son and successor, William de la Pole, Robert Swillington, Thomas Astley, Edmund Charles, John Fastolf and John Copdode, had license to return home on account of sickness. Four of the earl's archers also had license to accompany his remains to England. At this time the licences to return home from Harfleur on account of sickness were very numerous, and many of those who obtained them only returned to die. The difficulties of conveying the body of sir William Boteler from Harfleur to his burial place at Warrington were somewhat lessened by the opportunity which presented itself of transmitting it to England in the same vessel which transported thither the body of the earl of Suffolk. Fulk Eyton brought home for burial the bones of John earl of Arundel, killed at the siege of Gerberey in France, and was unwilling to have that honour forgotten (*Arch. Journal*, p. 86, 1859); and sir Philip Sidney says a Dudley brought a noble image to his house when he brought home the body of Henry V. But although we do not know in what manner the body of sir William Boteler was conveyed home we know that in due time it reached Warrington, and was there interred in the church of the friary under a marble tomb on which lay the effigies of himself and his lady with this inscription upon it, commemorating him and his wife, and (if we read correctly the inscription of which Randle Holme or some other transcriber has left us a garbled copy) dame Alicia his mother. The inscription is in Latin, but the fol-

lowing may be taken as a translation: "Sir William Boteler baron of Warrington, who died at Harfleur on the eve of St. Matthew the apostle (20th September) in the year of our Lord 1415, and of the lady Alicia, who was the wife of John Boteler the lord of Warrington." On the breast of the effigies of the two figures was a shield bearing a saltire, with a mullet in the centre point, which was an ancient coat of Standish. Sir William's wife, who survived him, was probably not buried in the same tomb. According to the inscription on his tomb sir William Boteler died on St. Matthew's eve, the 20th September; but if he died then the king lost in one day his loyal friend and subject sir William Boteler, and his great enemy Owen Glendower whose death is said to have happened at the same time. But sir William Boteler's inquisition post mortem expressly finds that he died on Thursday next before Michaelmas day (*die Jovis prox. ante festum Sancti Michaelis Archangeli*), which, as Michaelmas-day happened that year on Sunday, would make his death to have occurred on the 26th and not on the 20th September. If the date of the inscription on the tomb is correct (but even in the matter of dates tombs are not always to be trusted, witness the tomb of Henry VII. where the monarch's death is antedated one day) sir William did not see the fall of Harfleur. He had not, as the reward of all his fatigues, sickness and dangers, the satisfaction which gladdened Wolfe's last moments — the sound and shouts of victory; for he could neither have heard them nor seen the splendid ceremony which graced the fall of the city, nor yet have seen the king marching barefooted in solemn procession to the church of St. Martin to return thanks for the victory which had been vouchsafed to his arms; but if the inquisition post mortem is correct, he survived to witness all these.

On the 22nd September, in pursuance of his promise to give up Harfleur if by that time the hoped-for succours did not arrive, the governor opened its gates and offered the king the keys; which we may imagine him tendering to the conqueror in some such language as that which our great dramatist has put into his mouth:

"Our expectation hath this day an end.
The dauphin, whom of succours we entreated,
Returns us that his powers are not yet ready
To raise so great a siege. Therefore, great king,
We yield our town and lives to thy soft mercy.
Enter our gates; dispose of us and ours,
For we are no longer defensible."

The church of St. Martin at Harfleur, to which the king repaired to offer up his thanksgivings, had suffered greatly from his engines during the siege. Its north aisle, the steeple with its graceful spire, the beautiful north door with its cusps and open work of its gothic arch hanging like a piece of lace in stone in the florid style of French architecture, are said to have been rebuilt by the king as a thankoffering and to reconcile the townspeople to their new master. In the tower of the church there is a great bell on which, until lately, there used to be struck at certain seasons one hundred and four strokes; either to commemorate that number of the townsmen who quitted the place rather than remain in it under English rule, or more probably to commemorate the party of peasants who at the end of twenty years entered the town and wrested it from the English and restored it to its French owners.

After his host had been so weakened by sickness and its ranks so thinned by death, the king would probably have been deterred from advancing further into France, and would have decided to return home at once; but like some other conquerors, whose motto has been *nulla vestigia retrorsum*, he had deprived himself of the means of return by sending back his transports to England, and thus cutting off all hopes of retreat. After resting therefore in Harfleur for a short time to refresh his troops and recruit their strength, he determined to march on through the enemy's country and attempt to reach the English garrison of Calais. On the 7th October therefore, having made Thomas earl of Dorset (afterwards marquis of Exeter) governor and commander of the town and garrison of Harfleur, he set out with

what remained of his gallant host, now reduced to a mere skeleton of its former self, and took the road along the coast to Eu, intending thence to ascend the Somme and cross that river at the ford of Blanchetaque, where Edward III. had crossed it before the battle of Cressy. He found that ford however and several others in the possession of the French, so advancing still further up the river he came to an unguarded ford by which he was enabled to cross the river and advance on his destined march. On the evening of the 24th October on arriving near to Maisoncelle he became aware that the French army, fifty thousand strong (the greater part of whom were cavalry), under the command of the constable d'Arbre, were posted before him between the villages of Framecourt and Agincourt prepared to dispute his further progress. The king's eye could not but see that the French, in choosing a field where their cavalry were straitened and prevented from acting with effect by a wood which shut in their front on each side, had made a strategic mistake to his advantage. Aware of the disproportion of their numbers to the enemy and the dangers they were braving, the English passed that night in great silence, prepared to meet either alternative the next day by making a general confession of their sins; after which they occupied themselves in making ready their armour, "closing rivets up," fitting strings to their bows, and looking to their horses. When they spoke it was in a low voice; while on the other hand they heard the French calling and answering each other by their names. At day-dawn the king heard mass three times in his tent; then putting on his harness he mounted a little gray horse and arranged his troops in order of battle, the men-at-arms in the centre and the archers on the two wings. Sir Walter Hungerford, in the king's hearing, having uttered a wish that his small army could only be now increased by ten thousand of those brave archers in England who were longing to be with him, the king exclaimed: "Oh no! Wish not such a wish, wish not such a wish; for, trusting in Him on whose grace I lean and in whom I have a firm hope of victory, I would not if

I could have one man more." Having reminded his soldiers that their only hope of victory lay in their courage and their religious confidence, the king took his place in the ranks of the infantry and led on the army to the attack. The archers being furnished with stakes sharpened at each end placed them in the ground to serve as *chevaux de frise* whilst they drew their bows. The first discharge of these cloth-yard shafts threw the enemy's men-at-arms into confusion; the ground was soft, the horses became unmanageable, and the great victory of Agincourt was won with the loss of one thousand six hundred men on the English side, and more than ten thousand on the side of the French. Sir William Boteler having died at Harfleur did not share in the glories of Agincourt; but he was spared the mortification which those of his fellow soldiers, who either through sickness or a craven heart had obtained leave to return home from Harfleur, must have afterwards felt when Agincourt was mentioned in their presence, or when any spoke who fought beside the king "upon St. Crispin's day." Having lost their leader sir William Boteler's followers were absorbed into the retinue of his brother John Boteler usher of the king's chamber, or some other leader; but we have no account of their share in the glories of the day, although we have a minute account of some of the other Lancashire contingents.

Thus of sir James Haryngton's contingent we find that sir James and one of his men-at-arms, just as the fleet was sailing from Southampton, received the king's command to remain at home for the security of the northern parts; but the rest sailed with the king, and all, except two of the archers who died during the siege of Harfleur, marched on with the king and took part in the battle, when one of them (Roger Hart) was slain by a gun. Of those fifty other Lancashire archers whom sir James Haryngton had covenanted with sir Robert Urswicke to bring into the field, two of them, Robert Swan and Thomas Beesley, died of the sickness at Harfleur. All the others, except Roger Williamson Thompson who was countermanded, marched on to

Agincourt, where four of them, William Bullour, William de Dunourdale, *John de Sonkey* (evidently a native of this neighbourhood) and William Wilson fell in the battle; while all the forty-one survivors, with the exception of Henry Gilmyn who chose to remain at Calais, returned safe home at the end of the campaign.

The history of the contingent of another Lancashire knight, sir Richard de Kighley a friend of sir William Boteler's, is very unfortunate. He had entered into the usual indenture to serve the king with four or five men-at-arms and eighteen archers, and he had also contracted with the sheriff of Lancashire to bring fifty archers into the field. One of his men-at-arms, Thomas de Kighley, died at Harfleur three days after the surrender of the town; two others, William de Pemberton and Thomas de Standish, both men from near Wigan, were among the sick at Harfleur and had the king's license to return home after the fall of the town. Sir Richard himself and four of the eighteen archers, William de Holland, John Greenbogh, Robert de Bradshaw and Gilbert Howson, fell in the battle; and the rest, with Robert de Kighley and William de Walton two of the men-at-arms, returned safe to England. In the king's enumeration of his losses he makes express mention of sir Richard, "Edward duke of York, the earl of Suffolk, sir Richard Katley, Davy Gam esquire: none else of name." (*Henry V.*, act iv. sc. 7.) Of sir Richard's fifty Lancashire bowmen six died at the siege of Harfleur, ten had license to return home on account of sickness before the town was taken, eight were placed in the garrison at Harfleur, seven were taken prisoners near Agincourt the day before the battle, and the remaining nineteen after being in the battle returned home.

When the accounts between the king and sir William Boteler came to be settled with his executors it was found that there was due to them for a quarter's pay to himself, his nine men-at-arms and thirty archers 84*l.* 11*s.* 3*d.*, and for their *accustomed* reward 55*l.* 19*s.* 2¼*d.* Many of those who indented had received substantial pledges for their pay; the duke of York had one of the

royal crowns in pawn, and some of the pledges were not redeemed until the following reign. Some also had taken prisoners in the battle and received their ransoms. Speaking of the English to the king of France not long before the battle, the duke of Bourbon had uttered those boastful words, calling them

> "Normans, but bastard Normans, Norman bastards;
> *Mort de ma vie*, if they march along
> Unfought withal, but I will sell my dukedom
> To buy a slobbery and a dirty farm
> In that nook-shotten isle of Albion."

But it is always a mistake to despise an enemy; for only a few hours had passed before this proud and scornful noble was a prisoner in the hands of Ralph Fowne, a simple man-at-arms in the retinue of sir Ralph Shirley; and a simple esquire, William Wolf, had taken prisoner another great man, sir Bursegaud seneschal of France. But no prisoner had been made by any of sir William Boteler's retinue; nor, so far as it appears, had he received any of the crown jewels in pawn, or drawn any supplies of provisions or wine from the king's stores at Harfleur. His near neighbour and kinsman sir Peter Legh, owner of a large part of Warrington, was at Agincourt and was there wounded. The surgery of that time was not good, and sir Peter, though he came home and lingered until 1422 (seven years after the battle), died it is said in consequence of the wound he had received in that great field.

In 4 Henry V. dame Elizabeth Boteler, sir William's widow, had her dower assigned her out of her late husband's estates; and before the next year she had taken a second lord, having with some precipitancy and without the king's license married William de Ferrars of Groby, who with his wife on the morrow of All souls 3rd November 6 Henry V. (1418), as holding sir William's lands, settled the account for his service in the French voyage and received what was due to him and his retinue. The second marriage of lady Boteler had been precipitate, though in those unquiet times there was a prudent reason for it; but the

king notwithstanding exacted from her a fine, sir William Boteler her late husband being one of his tenants *in capite*. She survived until 19 Henry VI. (1440) and died in that year, leaving her second husband surviving.

Sir William had issue two children :

(1.) John, who succeeded him.

(2.) Elizabeth, who in 2 Henry VI. (1423) married John son and heir of Nicholas Boteler of Rawcliffe, and died in 1428. (Mr. Langton's *MS. pedigrees, and a deed there quoted.*)

CHAPTER XVII.

SIR JOHN FITZ WILLIAM BOTELER, TWELFTH BARON.

SIR JOHN FITZ WILLIAM BOTELER, who succeeded to the family estates upon the death of his father before the walls of Harfleur, was then about thirteen years old, having been born on the 2nd March 1402. (Sir William Boteler's *Inq. p. m.*) When he was nine years old his prudent father, to bar the claim of his feudal superior to dispose of him in marriage in case he should be a minor and unmarried at his father's death, sought out and found for him a fitting wife, and in 13 Henry IV. (1411) he was married to Isabel, the daughter of sir William Haryngton by his wife dame Margaret Nevile of Hornby. Sir William became a knight of the garter, was the standard bearer at Agincourt, was severely wounded at the siege of Rouen in 1419, and was doubtless present at the surrender of that city, which a bard describes.

"The viii. day, the trouthe to telle,
In the fest of Sir Wolstan that day befelle,
And this was upon a Thorisday,
Oure Kynge thanne in good aray,
Full rialliche in his estate,
As a conqueeror there he sate,
With ynne an hous of charite,
To resseyve the keyes of that cite,
Mounsr. Guy the Botillere,
And burgesses of that cite in fere,

To the Kynge the keyes they brought,
And of legeance hym besought."

Sir William's sister Elizabeth married the second sir John Stanley of the great house of Lathom, and as Haryngton, Nevile, and Stanley were then amongst the greatest of Lancashire names, the house of Bewsey was advanced by this alliance. Upon the occasion of this son's marriage, sir William Boteler settled his estates in Essex, Wiltshire and Bedfordshire on his son and his son's wife for life, with remainder to the former in tail. On the 20th (or as others say, the 27th) May 1415, under the mayoralty of Henry Johnson, occurred one of those quaint mediæval gatherings, the Preston guild, which was then held periodically about once in every twenty years. At this gathering, the antique pageantry of which fires the imagination of an antiquary with wonder and longing, John Boteler appeared and took up his freedom as one of the foreign burgesses *(forinseci burgenses)*, entering himself as John son and heir of William Boteler. His father only three weeks before had indentured with the king and the high sheriff to find men and arms for the voyage to France, and with the cry still ringing in his ears,

"Make friends with speed;
Never so few, and never yet more need!"

he had neither thought nor time to spare for the "shews of peace." But his son, who had now been married four years, might well assume the *toga virilis*, and appear as he did at Preston in his father's stead. (*Guild Roll*, and Hardwicke's *Preston*, p. 289.)

To him who looks from any high eminence, the plain at its foot seems all smooth and level and without a wrinkle on its face. There may be trenches and pitfalls enough upon it, but distance hides them from his sight. Many a family history looked at after the lapse of time may look as smooth until we lift up the veil and unfold the roll of the past, when we see many a disagreeable feature disclosed to view. Men in all ages have

been much the same; the lives of our ancestors, like our own, disclose a mingled web in which there are many imperfections; but if excuses are to be awarded to either, our ancestors, who lived in ruder times than ours and when the lamp of civilisation burned less bright and clear, are more entitled to charity than ourselves. Sir William Boteler, it appears, had first married a daughter of sir Henry Hoghton, whose name occurs in the pedigree of that great Lancashire family, though not in the line of direct descent. (*Hist. Lan.*, vol. iii. p. 348, first ed.) In that age young people's hands, without regard to their affections, were often bartered away by their parents from policy, and to prevent the feudal superior from claiming and selling the marriage of an heir who was under age and unmarried at his ancestor's death, and it is but charitable to suppose that sir William's hand had been thus disposed of. At any rate, in his case the husband and wife appear to have been only paired, and not matched, and they soon found themselves the victims of that not incurable complaint, incompatibility of temper, upon which it appears that they disagreed and parted, without, as it would seem, going through any formal process of divorce. Sir William, as we have seen, then took to wife Elizabeth, the daughter of sir Robert Standish, who was the mother of his children, and who ultimately survived him. But our faults, however we may desire it, will not be hid; they will come abroad, especially when others have an interest in exposing them. Scarcely had sir John Boteler lost his father and entered upon his inheritance before his title to it was challenged, on the ground that he was not born in lawful wedlock. On this subject there is extant a curious paper, which has been sometime sent as a letter; it is addressed by the writer, Piers Orrell, to his worshipful "maister," and is as follows:

"A remembraunce by the information of my full worshipfull maister Piers Legh knighte, whose sowle heaven assoyle, as far as my minde suffices of so long tyme afore paste. Howe there was on S^r^ Willia. Bottilere lord of the manor of Bewse, Werynge-

ton and otherwre toke to wyfe and weddyt a doghter to on S^r^ Henre Hoghton knyghte, the whiche S^r^ William and the sayd doghter contynninge togethir a season, and aftir y^t^ cowthen kyndely accorde in so muche y^t^ the sayd S^r^ William avoydet the sayd gentillwoman from hym, and after y^t^ as hit was supposit w^t^ awten any lawfull p'ticion hade be twene thaym had, y^e^ sayd S^r^ Willia. toke to wyfe and weddit a doghter to Rob^t^ Standish knyghte, by y^e^ wheche doghter y^e^ said S^r^ Willia. had issue S^r^ John Botiller fadir to S^r^ John Botiller y^t^ late deghet, and after that by p'cesse y^e^ sayd S^r^ William deght, and thereupon the sayd S^r^ John his sone entiret into the sayde manoir and lordships, and so there was on lyfe, as I suppose, I was enformet a brother to the sayd S^r^ William calde Thomas (John) Botiller, the whiche in his dayes was on of the esquyers for the body of King Henre y^e^ iiij^te^, seyinge y^t^ the forsayd Thomas (John) Botiler entiret into the sayde manoir and lordshippes supposynge to hym y^t^ there was no lawfull devorse hade be twene the sayd S^r^ William and the sayd doghtir of the sayd S^r^ Henre Hoghton, and made a clayme to the forsayd manoir and lordshippe, and thereupon made serche in the bishop's courte of Chestir, and also at the arches above, how the sayd devorce was hade made or noe be an examination at the sayde courtes. And whethir that a full sentence of the sayd devorse was there hade or none. And before that the sayd serche was brought to an ende the sayd Thomas (John) Botiller dissessit. And so if any devorse shulde be hade, or none, hit wold seme to appere authir in the courtes of the Archebisshop of Cawntirbury, or of the Bysshop of Chestir, in thayr registrie, an hit be serchet."

This letter, though bearing internal evidence of having been written long after the events to which it refers, and stating some of them incorrectly, is confirmed in the main by some records in the king's court. A suit was begun by John Boteler to recover possession of some lands in Great Merton from one Nicholas Croft, and after the circuitous manner of those times it was stated in the pleadings that Nicholas had disseised his (John's) father

since the time of the first voyage of Henry III. into Gascony. The defendant pleaded that John was illegitimate, and consequently no heir of the land. This was denied by the pleadings, and because questions of such a nature belonged to the Ecclesiastical court, the king commanded the archbishop of York to examine into it and to certify what the truth of the matter was to the king's justices at Lancaster, on Wednesday the morrow of St. Lawrence, then next (11th August 1417), whereupon the archbishop commissioned the abbot of Cockersand and Robert Avenel rector of Lamplugh to make the necessary inquiry. (Archbishop Bowett's *Register*, part i. p. 321.)

Whether the archbishop's commissioners found and certified to the court that sir John Boteler was born in lawful wedlock or not, or what indeed was the issue of the suit at law, we do not know; and, except that bastardy is a bar and a blot in any escutcheon, the matter was of little consequence, for his uncle the supposed mover in the suit died before the 26th May 1421; besides which, as if to obviate all question, the settlement made by his father and mother on the 5th April 1404 contained an express limitation of the estates in tail to their son sir John, so that *quâ cunque viâ datâ* his estate was safe.

But John Boteler (not Thomas as Piers Orrell calls him by mistake) a cadet of the house of Bewsey, who thus sought to dispossess his nephew of his estate, deserves a short notice. Sir William Boteler, having early and "before his infant fortunes came to age" adhered to Henry Bolingbroke, was one of those summoned to attend his coronation; we need not wonder therefore that some share of the royal favour fell on his brother John Boteler, who was taken into the king's service and became an usher of his chamber. As he was a landless squire this proved a help to his fortunes, which received still further aid from his brother a "landed knight," who gave him the estate of Crophill for his life. In 1 Henry V., when he was described as of Eccleshall, he showed his regard for religion by joining sir Wil-

liam Clinton in making provision to maintain a priest in Bentley church. (Dugdale's *Warwickshire.*) In the same year the king sent him and two others to convoy Carnycan the duke of Burgundy's envoy to Sandwich, for which on their return the king's receiver for Cheshire had orders to pay them 20*l.* for their journey. (*Chesh. Records.*) This visit of the envoy was probably the prelude to the treaty which the duke and the king concluded shortly afterwards.

The persecution of the Lollards having been renewed about this time, and it being desired to bring one of them, the celebrated sir John Oldcastle, to trial, a messenger was sent to Couling castle to cite him; but to this summons the knight only replied by drawing up the drawbridge and manning the castle walls. As it was not thought prudent however to oppose force by force another messenger was sent, who was accompanied by John Boteler usher of the king's chamber. But the second citation, though backed by the usher's persuasions, was attended with no better effect than the first, and sir John having ultimately escaped sought concealment in Wales; nor was it until four years afterwards that, being betrayed by a false friend, he was found at Broniarth where he was taken, and on the testimony of Shakspere as well as of history died a martyr. (*Henry IV.*, epilogue to part ii.)

The king intending shortly to invade France before setting out thought it prudent to make his will, and by it, in order to show his high estimation of his usher John Boteler, he left him a legacy of 100*l.* (Rymer's *Fœdera*, vol. ix. pp. 61, 292.)

Ever ready to share his master's fortunes, his usher indentured with him to join in the expedition to France in 1415 with a retinue of three archers, at the wages of xii^{d} a day for himself and vi^{d} for each of his archers. (Nicolas' *Agincourt*, p. 377.) Having done good service at Agincourt he returned home safe; and William Merwyn, having made prisoner Arthur count of Richmond, sold the usher for twenty marks all benefit of the prisoner's ransom. (*Acts of the Privy Council*, vol. ii. p. 278.)

It was probably in reward of his French services that the king granted him the wardship of Thurstan de Ormeston, which, as he had lands both in Lancashire and Wiltshire, must have been of some value. (Dodsworth's *MSS.*) He had a grant also of the wardship of William Lucy, who as sir William Lucy appears afterwards in Shakspere's *Henry VI.*, and did good service in France, where he passionately urged the duke of York to hasten to the rescue of the great lord Talbot, then surrounded by the French :

> "Thou princely leader of our English strength,
> Never so needful on the earth of France,
> Spur to the rescue of the noble Talbot,
> Who now is girdled with a waist of iron,
> And hemm'd about with grim destruction;
> To Bordeaux, warlike duke! to Bordeaux, York!
> Else, farewell Talbot, France, and England's honour!"

Sir William, who has received this honourable notice from our immortal bard, and of whose family he had not always a good word to say, may have received some of his training in the halls of Bewsey. It is pleasant to connect any of Shakspere's heroes with this neighbourhood, and the bard of Bewsey would have been glad to imagine sir William Lucy one of its inmates.

In 1417 John Boteler and Ralph Lenthal were the king's commissioners to treat with the duke of Britany for a truce and to endeavour if possible to convert it into a peace. (Rymer's *Fœdera*, vol. ix. pp. 515, 521.)

The next year the treasurer of the county of Chester had orders to pay John Boteler and William Pope 30*l.* in part of a sum of 60*l.* which the king had granted them for three years. (*Cheshire Chamberlain's Accounts.*)

In 1418 he was a commissioner of musters, an office for which he was well fitted by his long military experience (Rymer's *Fœdera*, vol. ix. p. 544), and in the same year he had a grant of the wardship of John fitz John Griffin. (*Chesh. Records.*)

In the next year the king appointed him a commissioner to treat with France for a truce. (Rymer's *Fœdera*, vol. ix. p. 813.)

In the following year, the hardships of war having told upon him, he felt his end approaching, and he made his will in which he showed his affectionate remembrance of Warrington. Three months afterwards, in the year 1421, he died and was buried in the Boteler chantry there.

After sir William Boteler's death the king granted the wardship of his Lancashire estates (except the dower of dame Elizabeth his widow) to sir Peter de Dutton, sir Gilbert de Haydock, John Gerard esquire, and William Gernet esquire. In this grant, but for his father's prudent forethought in marrying him in his lifetime, the son's marriage would have been included, which might have been to his great loss and disparagement.

Upon the death of his uncle John Boteler, sir John Boteler was found his heir of the lands in Crophill which had been granted him by sir John's father for life. (*Inq. p. m.*)

In 2 Henry VI. (1423) after he had attained his majority, sir John Boteler contracted to marry his only sister Elizabeth to John the son of Nicholas Boteler of Rawcliff, a kinsman of the house of Bewsey; and on the 20th November 3 Henry VI. (1424), according to the feudal custom of the age, he formally proved that he was of full age, sued out livery of his Lancashire lands, and did homage for them before Richard Butler of Kirkland the escheator, another kinsman of the family. (Dodsworth's *MSS.*) In 8 Henry VI. (1429) he occurs by his title of sir John Boteler as the second witness (sir John Stanley being the first) to one of the De la Warr charters, by which Reginald West granted his park in Blackley to the church of Manchester. (Booker's *Hist. of Blackley Parish*, p. 14; *Mamecestre*, vol. iii. p. 474.)

Sir John Boteler's short life was now drawing to a close. He died on the 12th September 9 Henry VI. (1430) at the early age of 28, leaving his wife Isabella, a son John then aged a year and a half, and three daughters, Alice, Ellen and Elizabeth

surviving him. Alice married sir Nicholas Byron of Clayton, Ellen married William Mainwaring esquire, and Elizabeth married Hamon Massey of Rixton.

When sir John died, the English were actively prosecuting the war in France, where sir Radulf Standish, his mother's brother, died a soldier's death. In the year 1429 the French, led by Joan of Arc, defeated the English at Patay, and in the following year the latter were pushing on the siege of Compiègne (Sismondi, *Hist. France*, vol. ix. pp. 47, 48.) Was sir John wounded at Patay? was he struck down in the leaguer of Compiègne? or, escaping the dangers of war, did he fall in some civil broil or die quietly in his bed? There is a mystery hanging over sir John Boteler's early death which we are unable to solve!

Besides the estates in Wiltshire, Essex and Bedfordshire, which his father had settled upon him and dame Isabella at their marriage, sir John died possessed of Crophill-Boteler in Nottinghamshire, the manor of Exul in Warwickshire, the manors of Great and Little Laton and Bispham in North Lancashire, the manor of Bewsey with extensive lands in Burtonwood, the whole or the greater part of the manor of Warrington with the advowson or right of presentation to the parish church; altogether a great inheritance to descend upon his heir. But the greatness of these possessions only tempted danger. History tells us how the old Romans once supplied themselves with wives by forcibly carrying off the women of their Sabine neighbours. A rough mode of wooing which, having begun long ago, as bad examples are always longer lived than good ones, has recurred at frequent intervals since. In Ireland this way of winning a wife was not looked on with much disfavour by a jury even in our own day; and in a case of this kind which occurred in the King's county, the jury who tried the case having, in direct opposition to the clearest evidence and the judge's charge, found the prisoner "not guilty," the judge, leaning over his desk, was heard to say to the officer of the court below: "Mr. clerk of the crown, when I commit the crime of abduction

I will be sure to come into this county to commit it." Like some other offences which began amongst people of rank, this offence, as both good and bad manners do, descended to and went down amongst the vulgar. But in the fourteenth and fifteenth centuries carrying off a wife by force was not an uncommon crime amongst knights and gentlemen. The frequent wars at home and abroad, with the absence of any settled police, emboldened the young gallants of the time in this bad practice, in which they easily found lawless followers to aid them. To escape from such lawlessness many a knightly dame after losing her husband betook herself to the church, became veiled and took vows. A daughter of the house of Boteler, dame Alice Byron, having lost her husband sir Nicholas Byron, became such a votaress, and took the veil before the archbishop of York at Southwell on the 23rd July 1462. (*York Wills*, vol. iii. p. 336, vol. iv. p. 334, Surtees soc.) Sir William Claxton, before going to the French wars in 1416, placed his wife for protection and safety in the house of sir Thomas Surteys at Dimsdale; and perhaps we may find some such excuse for the seeming haste with which dame Elizabeth Boteler after the death of her husband at Harfleur married William Ferrars of Groby. The lonely moated home at Bewsey was hardly then a safe place either for herself or her children. But of this abduction of women by violence, the evil of which extended to Wales as well as England, a few instances may be given by way of preface to the story of dame Isabella the widow of sir John Boteler, which we propose to tell presently.

On Good Friday in the year 1346 we read that the manor house of Beaumys (a name very like Bewsey) near Reading, where Margery de la Beche, a lady of rank, was living in peace and retirement, was forcibly entered by sir Thomas de Dutton, sir Thomas de Ardern (two Cheshire men), Thomas Litherland prior of Burscough in Lancashire, and Gerard de L'isle, with a great number of armed followers. They declared that their purpose was to carry off the lady of the house. They were

resisted by her people, two of whom, Michael de Poynings the lady's uncle and Thomas le Clerk, were killed and several others wounded; after which they carried off the lady with many of her valuables, and compelled her to marry Gerard de L'isle. After a little time the law asserted itself, and a warrant was issued committing sir Thomas de Dutton and the other offenders to the tower. (Rymer's *Fœdera; Archæol. Journal*, No. 54, p. 153.) Thomas de Litherland the prior who took part in this outrage, which he of all men ought to have been the first to prevent, had travelled far out of his way and he did not escape unpunished. He was tried for his offence and convicted, but was afterwards for some reason pardoned. (*Pat. Rolls*, 23 Edward III.) Sir Thomas de Dutton, although he made his peace and was pardoned by the king, was nevertheless compelled to put in sufficient sureties for his good bearing for the future. He who had been a guardian of the peace in Cheshire and had held a commission to apprehend robbers and other offenders, ought like the prior to have known better than take part in such an outrage. (Collins' *Peerage*, vol. iii. p. 45.)

After the suppression of Wat Tyler's rebellion the crime of wife stealing must have been very prevalent in Lancashire; for in a proclamation which John of Gaunt thought it necessary to issue, he gave express command to the sheriff of the county to deal severely with all such malefactors and stealers of the wives and daughters as well of the nobles as others as he might find; and he added that this crime was more common in Lancashire than elsewhere, and that the ladies so stolen were wont to marry their ravishers. (Dr. Hibbert Ware's *Manchester*, p. 117.) But the epidemic appears soon to have reached the gentry of Cheshire also, for Thomas son of sir Ralph de Vernon in 11 Richard II. (1387) was indicted, tried and found guilty of having with others his followers forcibly entered the house of Margaret de Caryngton the widow of sir Thomas de Caryngton, of a great Cheshire family at Weaver, and having there violated her and carried her away. (*Chesh. Records.*)

After these instances we proceed to relate the outrage committed on lady Boteler, which has been made the subject of comment by that great lawyer lord Coke. (*Third Institute* under the title Rape.)

Five years after the death of her lord lady Boteler (whose widowed state ought to have been her protection) was living quietly with her children in her manor house at Bewsey. An English lady's house however was then no castle, for on Monday before the feast of St. James the apostle (22nd July 1437) "one William Pulle, late of Liverpool but then of Wirrall, gentleman, with many other felons, misdoers and disturbers of the peace, unknown but harnessed and arrayed for war, after having lain in wait for the purpose, at the hour of five in the morning when it was broad daylight, forcibly and riotously broke into her house, and having violated her carried her away naked, except her kirtle and smock, first to Birkenhead where he imprisoned her until the following Tuesday, when he took her to Bidston church, and there by menaces compelled her to marry him; after which he led her into the wild and desolate parts of Wales, and at last brought her back to Birkenhead, where she was found by sir Thomas Stanley, and by him conducted to Chester." In the meantime William Pulle fled to avoid the warrant which had been issued to arrest him and bring him to trial under the indictment which had been found against him for his offence in the county of Lancaster.

William Pulle (or Poole) the perpetrator of this daring outrage was well born, being a younger brother of sir John Poole of Poole hall, a family allied to the great house of Stanley of Hooton. According to some accounts he had led the life of a buccanier, or, as others say, he had been a sort of Der Freischutz or German freebooter. Lady Boteler, in one of her petitions presented to parliament against her wronger, calls him an outlaw "for felony for man's death by him murdered and slain," but she does not mention the murdered man's name, or give any particulars of the date or manner of the crime.

William Poole, it will be remembered, was the name of one of those men-at-arms who sailed with sir William Boteler on his voyage to France before Agincourt. If he and lady Boteler's wronger were the same person, the king's encouraging assurance that to have borne a part in that great day of Agincourt should "gentle" the condition of whoever fought with him, William Poole was one of those "rufflers of the camp and court" on whom the king's words had fallen in vain.

But in the king's retinue there were others who must have heard his words without regarding them. William Atherton of Atherton who indentured to go with him to France as a simple squire and won his spurs at Agincourt, and sir Peter Legh who was also in the battle and there made a banneret, were a few years afterwards engaged in two lawless outrages which does not weaken the presumption that lady Boteler's wronger might have been like them also at Agincourt as one of her father-in-law's men-at-arms. Sir Peter Leycester tells the story thus: "Great contention fell between sir Peter Dutton and sir William Atherton of Lancashire, insomuch that they made inroads and invasions upon one another, and the said sir Peter and his adherents sir Ralph Bostock of Bostock, Richard Warburton of Budworth, Thomas Warburton of Halton, John Done of Utkinton junior, John Manley of Manley, Hugh Dutton of Hatton the elder, William Leycester of Nether Tabley, sir Peter Legh of Clifton and John Carington of Carington, were all sued by sir William Atherton for taking away forty of his oxen and forty cows out of his closes at Atherton, and for beating his servants; but this variance was composed between them by the award of John duke of Bedford earl of Richmond and Kendal, constable of England and regent of the kingdom in the absence of Henry V. (dated 9th April 7 Henry V. 1419), restitution being awarded on both sides; the horses and saddles taken by sir William Atherton to be restored to sir Peter Dutton, and the cattle taken by sir Piers to be restored to the said sir William." (Sir Peter Leycester's *liber C.* p. 146*n.*)

On the subject of her wrongs, lady Boteler presented two petitions to parliament: in the first of which she prayed that proclamation might be made that William Pulle should be held as a person attainted of high treason if he did not surrender and take his trial upon the indictment preferred against him in Lancashire; and in the second she prayed to be allowed to prosecute her appeal against him and his accomplices in that county, notwithstanding that the offence was committed partly there and partly in the county of Chester, and the parliament very properly granted the prayer of both these petitions.

It would be a great satisfaction to know that justice at length overtook William Pulle, and that he suffered the well-merited punishment of his daring crimes. A search in the *Crown Records* at Lancaster might and perhaps sometime will disclose his fate; but until they are arranged the search would be a Herculean task.

Lady Isabel Boteler, although a woman of spirit, had not resolution sufficient to support her under her great trials. Her married life had been but short, and she had lost her husband early. She had occupied herself with the care of her children and their estate until the quiet tenor of her life had been interrupted by the outrage we have described. Afterwards she had done her best to bring her wronger to justice, but the effort proved too much. On the 19th September 19 Henry VI. (1440) she lost her father sir William Haryngton. Her mother-in-law Elizabeth Ferrars died the same year, and on the 22nd May 19 Henry VI. (1441) she followed her husband to the grave, on the eve of the breaking out of the fatal wars of York and Lancaster.

The children of sir John and dame Isabella were:

(1.) John, who succeeded to the estates, and three daughters, all born before their brother.

(2.) Elizabeth, who married Hamon Mascy of Rixton in 14 Edward IV. and had issue two daughters, one of whom married Robert Worsley of Boothes and the other John Holcroft of Holcroft. (*Lanc. Chantries*, p. 62, Chetham soc.)

(3.) Alice, who married sir Nicholas Byron of Clayton by whom she had four daughters, all of whom had legacies under archbishop William Booth's will, 20th August 1464. (*York Wills*, p. 265, Surtees soc.) Clayton, the Byron seat, is on the road from Manchester to Ashton, and some portions of the hall still remain.

(4.) Ellen married William son and heir of John Mainwaring, 21st January 1444. (Sir Peter Leycester, p. 335; *Hist. Chesh.*, vol. iii. p. 297; *Mainwaring Papers.*)

All these daughters occur in a deed made at Newton in 8 Henry VI. (1429), in which the bishop of Durham, William Langton rector of Wigan, Henry de Kighley and James Langton convey lands in Walton to Ralph Langton and Edmund Trafford, to the use of Johanna late wife of sir John de Stanley for life; with remainder to John Bothe and others for the lives of Elizabeth, Alice and Ellen, daughters to John Boteler; with remainder to Henry son of Ralph and his right heirs. The Stanley pedigree does not mention this Johanna or who she was. Was she Isabella the widow of the first sir John Stanley of Lathom, who survived her husband? if so, the liberty to which we have before alluded and which was not uncommon must have been taken with her Christian name.